

The Netherlands  
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and  
Travellers

March 2009

Rita Schriemer

DISCLAIMER: This study has been commissioned as background material for a comparative report on housing conditions of Roma and Travellers in EU Member States by the European Union Agency for Fundamental Rights. The views expressed here do not necessarily reflect the views or the official position of the FRA. The study is made publicly available for information purposes only and does not constitute legal advice or legal opinion.

# Contents

<b>CONTENTS.....</b>	<b>2</b>
<b>EXECUTIVE SUMMARY.....</b>	<b>4</b>
<b>1. Desk research.....</b>	<b>7</b>
1.1. Legal and policy framework.....	7
1.1.1. Protection of the right to adequate housing in national legislation.....	7
1.1.2. Specific legislation.....	8
1.1.3. Data protection laws .....	10
1.1.4. General public housing policies.....	10
1.1.5. Positive action measures.....	12
1.1.6. Housing and gender equality .....	12
1.1.7. Housing and disability .....	12
1.1.8. Impact of the equal treatment legislation and the Race Equality Directive on the housing situation of Roma, Sinti and Travellers .....	12
1.1.9. Impact of general public policies on the housing situation of Roma, Sinti and Travellers .....	13
1.2. Quantitative data on the housing situation of Roma and Travellers .....	14
1.2.1. Number of Roma and Travellers in the country .....	14
1.2.2. Data on housing conditions.....	15
1.2.3. Data on housing tenure .....	15
1.2.4. Number of Roma/Sinti/Travellers living in regulated encampments .....	16
1.2.5. Number of Roma/Travellers living in unregulated encampments .....	16
1.2.6. Number of Roma and Travellers living in segregated settings .....	16
1.2.7. Data on household type and size.....	16
1.2.8. Data on conducted forced evictions.....	16
1.2.9. Data on access of Roma/Travellers to public utilities.....	16
1.2.10. Data on available and needed halting sites .....	17
1.2.11. Data on the impact of housing conditions.....	17
1.3. Qualitative information on the housing situation of Roma and Travellers.....	17
1.3.1. Quality of housing available to Roma and travellers .....	17
1.3.2. Issues of spatial or social segregation .....	19
1.3.3. Access to social housing.....	19
1.3.4. Access to private housing .....	20
1.3.5. Forced evictions.....	21
1.3.6. Legality and legalisation of settlements.....	22
1.3.7. Movement, encampment and use of private land .....	22
1.3.8. Access to public utilities .....	23
1.3.9. Access and quality of housing to third country Roma /Traveller immigrants .....	23
1.3.10. Campaigns undertaken by authorities on their right to adequate housing .....	23
1.4. Case law and complaints relating to the housing of Roma and Travellers.....	25
1.4.1. Public bodies that record and process complaints.....	25
1.5. Good practices .....	27
1.5.1. Code of Conduct mortgage loans.....	27
1.6. Major national projects.....	28

<b>2.</b>	<b>Field research - interviews .....</b>	<b>29</b>
2.1.	Brief description of the methodology .....	29
2.1.1.	Selection of interview partners .....	29
2.2.	Interviews .....	30
2.2.1.	What are the most important features of Roma/Traveller housing and accommodation situation in The Netherlands? .....	30
2.2.2.	Work of the institutions/interviewees on Roma, Sinti and Travellers issues.....	34
2.2.3.	National, regional or local housing and accommodation policies related to Roma/Travellers' housing and their impact on the situation .....	35
2.2.4.	Examples of 'good practice' related to Roma/Travellers housing?.....	38
2.2.5.	Involvement in any cases of housing discrimination or other violations of the housing rights of Roma/Travellers? .....	39
2.2.5.1.	Summary/Discussion.....	39
2.2.5.2.	Policy .....	39
2.2.5.3.	Housing situation .....	40
2.2.5.4.	Institutions.....	41
2.2.5.5.	Good Practices .....	42
	<b>ANNEX 1: STATISTICAL DATA AND TABLES .....</b>	<b>43</b>
	<b>ANNEX 2 – COURT, SPECIALISED BODY OR TRIBUNAL DECISIONS.....</b>	<b>48</b>
	<b>ANNEX 3: BIBLIOGRAPHY .....</b>	<b>51</b>

# Executive summary

## Legal and policy framework

- The system of housing allocation is subject to strict government regulation. The legal framework is provided by the equal treatment legislation and the Housing Act, in which freedom of establishment is one of the basic principles.
- According to legal principles, there should be no distinction between a buyer of a 'regular' home or a buyer of a 'chalet' on a halting site. However, anti-discrimination organisations have seen cases where mortgage lenders did not want to provide a mortgage for 'chalets.'
- In 2009, it was 10 years since the Caravan Act was abolished. From that moment on, Roma, Sinti and Travellers were no longer recognised as (ethnic) minorities by the national government. The fact that they are not treated as a special group however, does not mean that there is no inequality in the housing situation of Roma, Sinti and Travellers and that of other Dutch citizens.
- Before the abolition of the Caravan Act, the national government had set a policy of 'decentralisation' and 'normalisation'. In short, this came down to dividing up larger halting sites into smaller sites and aiming to house as many Roma, Sinti and Travellers as possible in 'regular' housing. This had a restraining influence on the planning of additional halting sites that were needed to sustain the natural growth of the population.
- There is an evident lack of halting sites. With demands for sites much larger than the supply, more and more people are either forced to move into regular housing or they live illegally on halting sites in smaller caravans placed next to the designated sites.
- The national government does carry out inspections and enforcement on halting sites. Since 2004, the government has focused its attention on the so-called 'sanctuaries'. Some halting sites have been branded as 'sanctuaries' (Dutch: vrijplaats) with a negative connotation, because the inhabitants were allegedly engaged in illegal activities. Law enforcement by police, tax and social benefit fraud inspectors at these sites had been restricted until then. After some incidents in 2004, the government responded to alleged criminal activities with a show of strength at many halting sites.
- Local governments and municipalities consider the caravan policy to be successful when the general situation in halting sites is calm, and Travellers increasingly change to a 'regular' house.

## Quantitative data

- Only limited quantitative data are available on Roma, Sinti and Travellers in The Netherlands. This is due to the fact that they are not considered a minority group, meaning that their numbers and social situations are not closely monitored. Roma, Sinti and Travellers are wrongly assumed to be a homogeneous group. Roma and Sinti have different ethnic origins to the

autochthones Travellers. In 2008, the estimated number of Roma and Sinti in The Netherlands was 10,000. The Traveller population was estimated at 23,000. It is not known how many of them live on halting sites and how many in regular housing. After years of policy efforts and a shortage of halting sites, many are believed to have anonymously integrated into civil society.

- Approximately 80 percent of Dutch municipalities have one or more halting sites. These are either owned by the local government housing corporations or private agencies. Due to the shortage of sites, it is not uncommon that a certain amount of overcrowding occurs on sites. For example, adult children illegally park caravans next to that of their parents after they start a family for themselves.

## Qualitative data

- The level of qualitative information available on the housing situation of Roma, Sinti and Travellers in The Netherlands is slightly higher. Studies and publications primarily address the shortage of halting sites and the attitude and policy of national and local governments. For instance, they stress that most municipalities measure the success of a policy by assessing whether 'things would remain peaceful in the centre' and whether more Travellers were moving to regular housing.
- There is also concern about the ability to live amongst family. With the shortage on halting sites, the opportunities to live together as extended families are dwindling. This integral part of the culture cannot be accommodated when there are insufficient sites available for all. This concern has been raised by women.
- Apart from the sites, there is the subject of quality. Rental caravans are not always up to standard, and renovating them is sometimes costly and does not give enough return. This can result in poor quality housing. However, with very limited available spaces, those renting one are bearing with the situation. This is why the elderly and the financially weak are considered vulnerable.
- Due to the dismantlement of sites and the decentralisation of halting sites (splitting larger halting sites up into smaller encampments), some families are faced with forced evictions. Some families are not happy with having to leave yet again, being separated from family and being faced with even fewer available halting sites.
- Those wishing to purchase their own property on a halting site are faced with reluctant mortgage lenders. Their reluctance is based upon the material and appearance of the house, and on who owns the ground it is built upon. Most municipalities will not sell the site itself. This puts owners of a 'chalet' in a different position of that of a buyer of a regular house.
- Apart from small Roma, Sinti and Travellers' NGOs there are no national bodies structurally advocating the position of Roma, Sinti and Travellers. The Dutch Government has been criticised by ECRI. In 2008, the ECRI stated that it is 'almost impossible to effectively tackle the inferior position and discrimination of Roma and Sinti without long-term, visible and active coordination by central government.' According to the ECRI, neglect and discrimination are apparent on almost all levels: education, employment,

justice, housing and access to the public domain. Roma and Sinti are hardly represented at all in the public domain or government positions, and education and management training are urgently needed. Complaints are seldom reported which, amongst other things, is related to the vicious circle of (mutual) mistrust and prejudice. The ECRI advises the Dutch Government to develop an integration strategy.

## Legal protection and case law

- Complaints about discrimination are rarely reported to the anti-discrimination agencies or the Equal Treatment Commission by Dutch Roma, Sinti and Travellers. The Roma and Sinti organisations acknowledge that Roma and Sinti are rarely inclined to publicly share their experiences. Language and the fear of victimisation play a role, while mistrust is another contributing factor. There are several organisations that provide support and assistance to Roma, Sinti and Travellers. These are often staffed by persons with a Traveller background themselves.
- To limit discrimination in mortgage lending, the anti-discrimination organisations have worked with the Liaison Committee for Mortgage Credit Institutions on a Code of Conduct. This can be considered a ‘Good Practice’.
- The information that was gathered during the field research confirmed the pressing issue of the shortage of halting sites. The lack of sites is making it impossible for Roma, Sinti and Travellers to live according to their wishes. With very few new sites becoming available, more and more young adults will have to move into regular houses. The fact that most municipalities chose a policy of dismantlement is the most significant reason behind the shortage.
- In order to live amongst family, adult children will place small caravans ‘in-between’ designated sites. This leads to overcrowding and sometimes hazardous situations. Some municipalities are sympathetic to the situation and will tolerate it, others stick to a policy of enforcement and will prohibit ‘illegal residency’.
- Those living on halting sites perceive the enforcement and lack of sites as ‘stripping them of their cultural heritage and wanting them to integrate into mainstream society’.
- There are also municipalities and sites where things are much better, and where there is a good understanding between the communities living on halting sites and the local municipalities and communities.
- Most respondents regret the fact that the national government has stopped taking responsibility for these groups, and the lack of guidance given to local governments. Most municipalities seem to find it difficult to deal with these groups, and there is a mutual distrust between the communities and government officials. More consultation with Roma, Sinti and Travellers, in line with EU recommendations, would be welcome. Good practices would be those initiatives that look into the demands and needs of the groups and consults with them.
- There is a lack of projects either at the national or at the local level that can be termed good practices. At the moment, there are no major projects being carried out for these target groups.

# 1. Desk research

## 1.1. Legal and policy framework

### 1.1.1. Protection of the right to adequate housing in national legislation

The right to housing in The Netherlands is framed as a social right. Refer to Article 11 (1) of the International Convention on Economic, Social and Cultural Rights, which creates a socio-economic right. The Constitution of The Netherlands states in Article 22 (2) that the promotion of adequate housing is the responsibility of the government. This formulation indicates that the national government is required to establish laws and policies to provide for adequate housing, without creating a right for individuals to claim housing. Within the government, the Ministry for Housing, Spatial Planning and the Environment is responsible for laws and policies in this area. As described below in more detail, the central government has delegated all responsibility for the housing situation of Roma, Sinti and Travellers to the municipalities. National policies for these groups and for movable housing do not exist. Municipalities have the possibility to develop policies at the local level.

A result of local spatial planning, some caravan sites have been closed over the years. Despite protests, people were evicted from their caravans and their sites. As per the requirements of Art. 11 (1) ICESCR and 22 (2) of the Constitution, the state has a duty to act if persons do not have adequate housing.<sup>1</sup> In practice, this means that if a halting site is closed, the occupants will be offered alternative housing. Sometimes a new site is provided; sometimes the municipality puts pressure on occupants to accept regular housing.

Spatial planning policies are based on the Spatial Planning Act (Wet ruimtelijke ordening). This Act gives local authorities the power to take measures to make areas available for urban renewal. As a result of local or regional structural plans and spatial measures, halting sites may be affected. Persons whose interests are involved, can appeal these plans and measures through regular administrative procedures.

Since the abolition of the Caravan Act (see below in detail), there are no regulations in force that deal with specific issues concerning the housing of Roma, Sinti and Travellers. However, caravans must conform to general construction standards as laid down in the Construction Ordinance (Bouwbesluit).

---

<sup>1</sup> Confirmed in general in: Appeals Court Den Bosch, 23.08.1989, NJ 1990, 376; also see District Court The Hague, 12.03.2008, LJN BE0050 (included in Annex 2).

## 1.1.2. Specific legislation

In the past, specific legislation concerning moveable housing existed in the form of the Caravan Act. The Act was targeted at regulating the housing situation of those living in moveable houses: caravans or chalets. Caravans are considered to have wheels and chalets are considered to be houses without fixed attachment to the ground on which they stand. With the Caravan Act in force between 1968 and 1998, Roma, Sinti and Travellers occupied a special position in the housing debate until 1999. The aim of the act was to integrate travelling communities into civilian society. The act forced Travellers to settle at regionally designated halting sites. An important effect of the Act was that there was no freedom of settlement.

The Act was adapted several times before being abolished in 1999. It was concluded that the Act – despite its aim – had failed to positively contribute to the integration of the Traveller community.<sup>2</sup> Since 1999, Roma, Sinti and Travellers are no longer treated as a separate target group of integration or housing policy by the national government.

With the responsibility shifted to the local governments, many municipalities aim to accommodate as many Travellers as possible in regular housing. This is part of their ‘normalisation policy’. Decentralisation was another part of the ‘normalisation’ policy, aiming to integrate rather than segregate the Roma, Sinti and Traveller communities from ‘civil society’.

National legislation does not have specific sections dealing with the protection of Sinti, Roma and Travellers’ rights. The general legislation on non-discrimination applies, and the communities can invoke all legal protection clauses to ensure their rights. Members of these communities may request an opinion of the Dutch specialized body, the Equal Treatment Commission (CGB),<sup>3</sup> if they feel they have been discriminated against.<sup>4</sup>

The system of housing allocation in The Netherlands is subject to strict government regulation. This limits landlords in rejecting tenants on the basis of their race or class. The legal framework is provided by the Equal Treatment Act and the Housing Act. Freedom of settlement being one of its basic principles.<sup>5</sup> Roma, Sinti and Travellers are recognised as ethnic minority groups under the Equal Treatment Act and enjoy the same legal protection as other ethnic minority groups in the provision of services and goods. Providing accommodation falls within this definition.

Requests for an opinion submitted to the CGB show that from the Travellers’ perspective, the housing issue is problematic. Between 2000 and 2009, approximately half of the number of (requests for) decisions in housing cases dealt with the allocation of housing to Travellers. The National Platform Supporting Organisations to Travellers (LOSW, Landelijk Overleg Steunfuncties Woonwagenwerk) confirms this problem and the inequality

---

<sup>2</sup> Rodrigues and Matelski, *Monitor racism en extreem-rechts, Cahier nr 3 Roma en Sinti* Amsterdam/Leiden Anne Frank Stichting/Universiteit Leiden 2004, p. 27.

<sup>3</sup> For the remainder of the report, the Equal Treatment Commission will be referred to with its Dutch acronym *CGB*. In international reports, the CGB generally uses this abbreviation.

<sup>4</sup> See a.o. CGB opinions 2003-105 and 2006-5.

<sup>5</sup> Houtzager, D. and R. Schriemer. *Huisvesting en interetnische problemen in de woonbuurt*, in: *Monitor rassendiscriminatie 2005*. Rotterdam: LBR.



between buyers of 'regular' property and buyers of caravans. The LOSW believes that the government does not do enough to compensate for this legal inequality. <sup>6</sup> It is not known if elderly, disabled and women are further disadvantaged when applying for a mortgage, but considering they may have a lower or less stable source of income, it very well may be.

Because many Roma, Sinti and Travellers who live in caravans or chalets actually have ownership of their homes, the question of how to obtain financing for their property has been raised since the 1980s. Although there are no statistics about this, the fact that many own a chalet, it can be assumed that many have applied for (and received) a mortgage loan from a financial institution or other source.

With regards to obtaining a mortgage for a chalet on a halting site, it should be noted that buyers are possibly indirectly face discrimination when applying for a mortgage. Mortgage lenders seem wary to invest money in 'mobile homes' on halting sites. Until now, there has not been any decision by the Equal Treatment Commission condemning individual mortgage lenders of such behaviour, although it does state that the current procedures pave the way for exclusion of these groups.<sup>7</sup>

The Liaison Committee for Mortgage Credit Institutions (CHF, Contactorgaan Hypothecair Financiers) uses a standard protocol to prevent discrimination. However, the practice of anti-discrimination agencies showed that mortgage lenders do not follow the protocol when it comes to granting mortgages for caravans. Anti-discrimination services were in contact with mortgage lenders for some time about their failure to grant loans for caravans, with the aim to positively influence the policy. However, jurisprudence equally pointed out that certain mortgage lenders have instituted an exception to the rule. Even though there is no official documentation to give evidence of any intentional policy, the lack of halting sites may prove an instrument to limit the possibilities of living in a caravan and gently persuade Roma and Travellers to move into regular housing. According to Rodrigues and Matelski, long waiting lists and unclear procedures with regards to halting sites contribute to Roma and Sinti accepting regular housing.<sup>8</sup>

Municipalities are now largely responsible for allocating caravan halting sites. As a result, municipal policies may differ considerably. There is a lack of halting sites. While, allocating locations is not problematic for municipalities, residents often protest against the arrival of a caravan centre in their area. Neighbours fear trouble and a devaluation of their properties. As a result, Travellers are often allocated remote, unattractive and sometimes even dangerous locations.<sup>9</sup> This phenomenon branded as 'environmental racism'<sup>10</sup> in the United States.

---

<sup>6</sup> Letter to the Minister of Housing and Planning and Members of Parliament. (11.03.2008). Available on <http://www.variya.nl/pdf/behandelingBEWplus110308.pdf> (20.05.2009).

<sup>7</sup> The Netherlands/CGB/2007-157 (23.08.2007).

<sup>8</sup> Rodrigues and Matelski, *Monitor racisme en extreem-rechts, Cahier nr 3 Roma en Sinti* Amsterdam/Leiden Anne Frank Stichting/Universiteit Leiden 2004, p. 39.

<sup>9</sup> Rodrigues, P. Few and Neglected: Roma and Sinti in The Netherlands, in: *Roma Rights Quarterly*, no 1 2006, pp.31-38.

<sup>10</sup> See for example Robinson, D. *Environmental Racism; Old Wine in a New Bottle*

### 1.1.3. Data protection laws

Data protection laws in The Netherlands provide for a restricted use of ethnicity and 'ethnic' data collection. The Data Protection Act (Wet bescherming persoonsgegevens) allows for the use of data regarding the country of birth for research purposes. The Data Protection Authority (College Bescherming Persoonsgegevens)<sup>11</sup> supervises the compliance with acts that regulate the use of personal data. Because information on the country of birth of the person (or his/her parents) does not disclose information about Roma, Sinti or Traveller origin, these statistics are generally of no use to determine statistical data about these communities and their housing situation.

Estimates about the number of members in these communities are often derived from surveys in which respondents are asked how many families they know in certain halting sites. These data are compared, and an estimate is made.

### 1.1.4. General public housing policies

The Netherlands has developed a strict government-regulated system of public housing. The proportion of social housing is large in comparison with other countries. Renting houses below a certain rental price is subject to approval by the local government. This system of granting housing leaves landlords little room to reject tenants because of their race or ethnic origin. The equal treatment legislation and the Housing Act, of which freedom of settlement is the basic principle, form the legal framework.<sup>12</sup>

Most municipalities utilise the supply model when renting out properties. The time one has been registered at the current address is the most important criterion in this model. This sometimes has a negative effect on migrant groups, in particular first generation migrants who have not lived in The Netherlands for long.<sup>13</sup>

The majority of caravans or chalets on halting sites are privately owned.<sup>14</sup> This pushes up prices and forces the poorer families to leave the sites. Many municipalities consider their caravan policies to be successful when the general situation in caravan centres is calm and Travellers increasingly change to a 'regular' house. Some suggest that the social component in the caravan policy has been forgotten.<sup>15</sup>

With the abolishment of the Caravan Act in 1999, and inclusion of the caravan in the Housing Act as a legitimate type of dwelling, there are concerns about the acknowledgement or endorsement of the caravan or housing wishes of housing

---

<sup>11</sup> [http://www.dutchdpa.nl/indexen/en\\_ind\\_cbp.shtml](http://www.dutchdpa.nl/indexen/en_ind_cbp.shtml).

<sup>12</sup> Houtzager and Schriemer (2006) Housing and Inter-ethnic Problems in the Neighbourhood, in: Monitor Rassendiscriminatie 2005 I. Boog (ed). Rotterdam: National Bureau Against Racial Discrimination (LBR).

<sup>13</sup> Kullberg, J. and I Kulu-Glasgow (2009) Building inclusion. Housing and integration of Ethnic Minorities in the Netherlands. The Hague: Netherlands Institute for Social research SCP. Research and Documentation Centre WODC, p. 56-59.

<sup>14</sup> Cebeon. *Monitor maatschappelijke en economische positie woonwagenbewoners* p.12.

<sup>15</sup> Overbekking, J. and Ch. Van der Steen. *Woonwagenbewoners, Sinti en Roma: ontwikkelingen en perspectieven*, in: *SCOOP 3* 2002 p.4.

seekers. The government has since had a strong preference towards 'normalisation'. This means that communities on large sites were divided over different locations. With limited sites available some families were housed in 'regular' housing.

Roma who came to The Netherlands in the 1970s were accommodated in eleven host municipalities. At the time, the policy was already aimed at 'normalisation' and the government did not find it advisable to house new groups in caravans. In addition, the European Roma differed in culture and lifestyle from the Dutch Roma. Thus the Roma of the 1970s were accommodated in regular houses, with only a few being transferred to a caravan centre later on with the help of a lobby group.<sup>16</sup>

From the mid-1970s onwards, the central government pursued a decentralisation policy before withdrawing their involvement in housing policy and halting sites after 1999. The central government did, however, issue clear guidelines with regards to enforcement policy. Inspections by VROM (Ministry of Housing and Spatial Planning and the Environment) increased, and after 2004, there was more enforcement and acting against 'sanctuaries'. Public opinion and the government believed that halting sites had become no-go areas and both the local governments and national government withdrew themselves. It was believed that all sorts of illegal activities took place, and that inhabitants of halting sites viewed their sites as 'sanctuaries' where no one would or could touch them. It then became a special focus for the Ministry of Housing in terms of law enforcement.

The Ministry of Housing, Spatial Planning and the Environment then started to focus on the particular physical lifestyle aspects of the Roma, Sinti and Travellers.<sup>17</sup> In particular, they were concerned about the alleged involvement in illegal and criminal practices, and the perceived refusal to comply with government regulations. Therefore, halting sites are often subjected to police and utility company raids in relation to alleged illegal tapping of electricity and cannabis cultivation. Sometimes checks are carried out for alleged social benefit fraud. Often, the entire centre is searched. Surrounding civil residences are not visited. Even though the police and other services are authorized to do this, the residents often feel 'singled out' and further stigmatised.

The Ministry of Housing, Spatial Planning and the Environment (VROM) now regularly checks sites in order to (in its own words) curb 'sanctuaries' (Dutch: 'vrijplaatsen'). The term 'sanctuary' refers to a place where legal norms do not apply, and it has a negative connotation with a reference to illegal activities. During inspections, the situation is weighed against the Housing Act (building without planning permission or the placement of several caravans on one halting site, placing caravans too close to one another, lack of compliance with other legal requirements) and the Spatial Planning Act (placing a caravan that is too big on halting sites, businesses).

Relations between local governments and Travellers are generally ambivalent. There are for example disagreements between Travellers and municipalities on designated locations, and between Travellers and neighbours when new

---

<sup>16</sup> Rodrigues and Matelski, *Monitor racism en extreem-rechts, Cahier nr. 3 Roma en Sinti* Amsterdam/Leiden Anne Frank Stichting/Universiteit Leiden 2004, p. 14.

<sup>17</sup> FORUM (2007) *Sinti Roma and Travellers in The Netherlands: Policy matters!*- spring update.

locations are chosen. Travellers are generally not seen in a very positive light by either the government or citizens. In addition, there is mutual distrust between Travellers on the one and the government and 'civilian society' on the other side.<sup>18</sup>

### 1.1.5. Positive action measures

In recent history, Roma and Travellers had been granted a special status due to the Caravan Act. They had the same amount of rights and protection as other inhabitants of The Netherlands, but moreover, they had their Roma and Traveller status with regard to their housing situation. With the abolition of the Caravan Act, they felt they had lost out on their claims to living on a halting site. With the abolition of the Caravan Act, hardly any new halting sites materialised, and there are only limited existing spaces available.

Since housing conditions in caravans are generally poorer than urban housing, local and national governments probably consider the housing situation of the Roma and Travellers as improved. However, the question of whether or not the situation has improved, or if positive measures were taken, depends on the point of view. Furthermore, since more Roma and Travellers have moved into urban housing, Governments and policy-makers will probably claim that positive measures were taken. Roma and Travellers are of the opinion that their way of living is endangered because they are forced to abandon their traditional housing situation. Coming generations will have no experience of living on wheels.

### 1.1.6. Housing and gender equality

Within the framework of the current report, the National Focal Point has found no relevant data on issues relating to housing and gender equality.

### 1.1.7. Housing and disability

Within the framework of the current report, the National Focal Point has found no relevant data on issues relating to housing and disability.

### 1.1.8. Impact of the equal treatment legislation and the Race Equality Directive on the housing situation of Roma, Sinti and Travellers

In the framework of the compulsory periodic evaluation of the Equal Treatment Act, both the CGB<sup>19</sup> and an independent group of academics<sup>20</sup> have looked at

---

<sup>18</sup> Rodrigues and Matelski, *Monitor racism en extreem-rechts, Cahier nr. 3 Roma en Sinti* Amsterdam/Leiden Anne Frank Stichting/Universiteit Leiden 2004, p. 26.

<sup>19</sup> Commissie Gelijke Behandeling (2005) Het verschil gemaakt. Evaluatie AWGB en werkzaamheden CGB 1999-2004. Utrecht: CGB.

the impact of the Act. In the last reporting period, 1999-2004, neither report noted anything about the housing situation of Roma, Sinti and Travellers. Other sources of data concerning the impact of the equal treatment legislation are not available.

### 1.1.9. Impact of general public policies on the housing situation of Roma, Sinti and Travellers

There are no indications that there are further impacts on the housing situations of Roma and Travellers other than those already mentioned in the above paragraphs.

---

<sup>20</sup> M.L.M. Hertogh and P.J.J. Zoontjes (eds.) (2006): *Gelijke behandeling, principes en praktijken. Evaluatieonderzoek Algemene Wet Gelijke Behandeling*. Nijmegen: Wolf Legal Publishers.

## 1.2. Quantitative data on the housing situation of Roma and Travellers

### 1.2.1. Number of Roma and Travellers in the country

Roma, Sinti and Travellers are viewed as one group by outsiders,. One often assumes the group to be 'homogeneous', but appearances are deceptive. Travellers discern themselves by their chosen lifestyle- in a caravan- and in general have their origins in The Netherlands. Roma and Sinti, however, are an ethnic group with origins outside The Netherlands. Some live in houses, others in caravans. Sinti and Roma distinguish themselves from Travellers in language (Romanes), culture and sometimes in type of dwelling and geographical origin. They form small heterogeneous populations spread out over approximately 100 municipalities.<sup>21</sup>

Accurate data on Roma and Sinti in The Netherlands is not available. The Roma and Sinti population in The Netherlands has a diverse make-up. In 2008, their number was estimated at 10,000.<sup>22</sup> The Dutch Traveller population is estimated at 23,000.<sup>23</sup>

The last official count was in the period before 2000. Taking into account the lack of available data in The Netherlands on Roma, Sinti and Travellers, the focal point in The Netherlands prefers to include this data for the sake of completeness, even though they fall outside the reporting period for this study. Travellers are, on average, younger than the rest of the population. Sixty-nine percent of the Roma, Sinti and Traveller population is under 40, compared to 54 percent of the rest of the population.<sup>24</sup>

The Roma can roughly be divided into three groups. In The Netherlands, around 140 households are included in the group indicated as 'Roma 1900'. They arrived in The Netherlands at the turn of last century and predominantly live in Noord-Brabant and Limburg, with one additional family living in Groningen. They are not represented in other regions. They have always lived in caravans and have managed to avoid accommodation in regular housing so far.<sup>25</sup>

There is very little statistical information available on the group indicated as 'Roma 1978'. This group arrived and settled in The Netherlands in the 1970s from Eastern Europe. The Netherlands was not able to deport this group since no other country was willing to accept them. The government was forced to find a solution for this group. First, the Roma had to register themselves. Later, they were granted a permit on the condition that host municipalities were found to house them. Key persons indicate that they know of around 550 households belonging to this group. They usually live in large groups in the 12 designated

<sup>21</sup> <http://www.forum.nl/roma-sinti/docs/Factsheet-Roma-Sinti.pdf> [09.06.2009].

<sup>22</sup> <http://www.forum.nl/roma-sinti/docs/Factsheet-Roma-Sinti.pdf> [09.06.2009].

<sup>23</sup> Table 1. No. of Roma, Sinti and Travellers in The Netherlands, 2008.

<http://www.cbs.nl/NR/rdonlyres/12AC5B2A-FAC6-4A4E-A865-A545CB70930B/0/b150500.pdf> [11.06.2009].

<sup>24</sup> Wijnand Advokaat. *Wonen op wielen of op water* webmagazine CBS 1999  
<http://www.cbs.nl/nl-NL/menu/themas/bevolking/publicaties/artikelen/archief/1999/1999-0202-wm.htm> [10.02.2009].

<sup>25</sup> Stichting Eerherstel.

host municipalities. The 'Roma 1978' almost all have lived in regular houses since 1978, with the exception of the municipality of Ede where several households have been allocated a halting site.<sup>26</sup>

In the third group, referred to as the 'Roma 1990', is another small group of immigrant Roma settled in The Netherlands, as part of other asylum seekers and refugees from Eastern Europe arriving in the 1990s. Their number is not known because they do not let themselves be known as Roma. They hardly travel, live in houses, and are less recognisable as separate groups. <sup>27</sup>

## 1.2.2. Data on housing conditions

Statistics Netherlands wrote on the housing situation in 1997 that 'on average, a caravan accommodates 2.8 persons'. Half of all caravan locations are in the municipal periphery, 38 per cent can be found around the town centre and 12 per cent are located in the outskirts.<sup>28</sup>

## 1.2.3. Data on housing tenure

The Focal Point is aware that the last large-scale study into the socio-economic position of Travellers in The Netherlands was carried out in 2002. This study was a second attempt to monitor the situation of Travellers in The Netherlands. In this context, Travellers are defined as: individuals living in a caravan (on an approved or non-approved official halting site), and those having a right to a halting site of these individuals may have moved to a residence and may wish to return to a caravan.<sup>29</sup> The study has no national coverage but focuses on four regions, namely: West-Overijssel, Haaglanden, Zuidoost-Brabant and Zuid-Limburg. Most caravans are owned by their residents. In 2002, it was estimated that 26 per cent of all caravans were rented caravans.

In a letter to the Commission on Housing, Communities and Integration (Commissie Wonen, Wijken en Integratie) the National Platform Supporting Organisations to Travellers (Landelijk Overleg Steunfuncties Woonwagenwerk) stated some statistical data with regards to caravans and halting sites in The Netherlands.<sup>30</sup>

The organisation (LOSW) also points out that the position of caravan dwellers is not equal to that of property buyers because it is almost impossible for them to obtain a mortgage with a bank. This is due to the fact that most caravans do not stand on private land, but on a halting site belonging to the municipality. Municipalities rarely make halting sites available to private owners. They are reluctant to sell halting sites to the target group. This negatively influences their

---

<sup>26</sup> Overbekking. *Sinti en Roma in Nederland; een inventarisatie*. 2007 pp.15-16.

<sup>27</sup> Rodrigues and Matelski, *Monitor racisme en extreem rechts, Roma en Sinti*, Amsterdam/Leiden, 2004, p. 16.

<sup>28</sup> Table 3. Position of Caravan Sites <http://www.cbs.nl/nl-NL/menu/themas/bevolking/publicaties/artikelen/archief/1999/1999-0202-wm.htm> [11-06-2009].

<sup>29</sup> *Monitor Maatschappelijke en economische positie woonwagenbewoners Een tweede meting*. 2002, p.3.

<sup>30</sup> <http://www.variya.nl/pdf/behandelingBEWplus110308.pdf> [24.02.2009] See Table 4. No. of Caravans in The Netherlands and Table 5. No. of Halting Sites in The Netherlands.

chances to obtain a mortgage, since mortgage lenders, partly due to this fact, prefer not to provide mortgages to caravans. This unequal starting position may (potentially) result in discrimination against Travellers. 31

#### 1.2.4. Number of Roma/Sinti/Travellers living in regulated encampments

There is no data available on Roma, Sinti and Travellers living in regulated encampments other than the data that is given on the halting sites.

#### 1.2.5. Number of Roma/Travellers living in unregulated encampments

According to the Focal Point, there are no unregulated encampments known in The Netherlands, although illegal residency does take place at halting sites. For example, by ‘illegally’ parking an additional caravan on an existing halting site. The duration of such a situation depends on actions taken by the local government (against ‘illegal’ residency) and on the availability of additional halting sites.

#### 1.2.6. Number of Roma and Travellers living in segregated settings

The NFP has found no data with regards to the number of Roma or Travellers living in segregated settings, or the number of such areas in the country, or the approximate duration of residence.

#### 1.2.7. Data on household type and size

The NFP has found no data with regards to household type and size, including overcrowding, national room and space standards relating to overcrowding, or comparable room and space data for Roma and non-Roma.

#### 1.2.8. Data on conducted forced evictions

No quantitative data has been found on forced evictions.

#### 1.2.9. Data on access of Roma/Travellers to public utilities

The NFP has found no data on Roma/Travellers access to public utilities, broken down per residential type.

---

<sup>31</sup> <http://www.variya.nl/pdf/behandelingBEWplus110308.pdf> [24.02.2009].



### 1.2.10. Data on available and needed halting sites

Approximately 80 per cent of Dutch municipalities have one or more halting site, varying in size from a single to over a 100 designated sites. In total, there are 1,140 halting sites and 8,089 designated sites. According to FORUM, there is a shortage of 3,000 designated sites.<sup>32</sup>

In 2006, a (draft) report by the Regioplan research agency was published on the policies of municipalities with caravan locations.<sup>33</sup> According to the report, of all municipalities having one or more locations, 43 per cent had 1 location, 45 per cent had two to five locations, and 12 per cent had six or more locations. <sup>34</sup>

Municipalities own 60 per cent of all halting sites, housing corporations own 35 per cent, and other institutions own the remaining 5 per cent. The halting sites are generally managed by corporations (39 per cent), the municipality (34 per cent), private agencies (22 per cent) or caravan boards (5 per cent).<sup>35</sup>

### 1.2.11. Data on the impact of housing conditions

The Dutch Focal Point has no knowledge of data on the influence of housing on the right to education or health care.

With regards to employment, it should be noted that measures facilitating legal trade and the establishment of businesses have been implemented to enable people to support themselves. However, no statistical data in this regard are known to the NFP.

## 1.3. Qualitative information on the housing situation of Roma and Travellers

### 1.3.1. Quality of housing available to Roma and travellers

Housing policy

In 2002, SCOOP, a welfare magazine, published a special edition on Travellers, Sinti and Roma.<sup>36</sup> One of the organisations behind the publication was Prisma Brabant. The publication described, amongst other things, the position, developments and perspectives of the above-mentioned target group. Housing policy was one of the topics highlighted in this special edition. The administrative responsibility and power had been further decentralised, making municipalities primarily responsible for developing and executing policies.

---

<sup>32</sup> <http://www.forum.nl/roma-sinti/docs/Factsheet-Roma-Sinti.pdf> [11-06-2009]

<sup>33</sup> S. Dekkers et. Al. *Feitenonderzoek vrijplaatsen op woonwagenlocaties* (2006) Regioplan Amsterdam.

<sup>34</sup> Table 6. No. of Municipalities Holding Caravan Sites. *S. Dekkers et al. Feitenonderzoek vrijplaatsen op woonwagenlocaties Regioplan Amsterdam 2006*, p. 9.

<sup>35</sup> Table 7. Municipalities holding one or more caravan site. *S. Dekkers et al. Feitenonderzoek vrijplaatsen op woonwagenlocaties Regioplan Amsterdam 2006*, p. 9.

<sup>36</sup> <http://www.hetnieuweleren.nl/assets/Paragraaf/4451/Assets/4521/Scoop%20downloaden.doc>

The authors also noted that the transfer of ownership and management of caravans to housing corporations were taking place with difficulty and that all sorts of tasks were being delegated to specialised management agencies. In addition, municipalities and housing corporations were considering to stop building additional sites and renting out caravans. According to the authors, they subsequently moved to regular housing and disappeared in anonymity. Most municipalities measured the success of a policy by assessing whether ‘things would remain peaceful on a site’, and whether more Travellers were changing to regular housing.<sup>37</sup>

In November 2007, the Foundation for the Rehabilitation of Sinti and Roma (Stichting Rechtsherstel Sinti en Roma<sup>38</sup>) and Foundation Zet from the Centre for Social Development Brabant (Stichting Zet - Centrum voor Maatschappelijke Ontwikkeling Brabant<sup>39</sup>) issued a brochure describing the social position of Roma and Sinti in The Netherlands.<sup>40</sup> This inventory was based on municipal contacts with over 15 Roma or Sinti households. Since the start of the policy of decentralisation of large halting sites, responsibilities were handed over from specific services to general services, and a normalised approach to the group was put in place in order to diminish their distance to civilian society. Many Roma and Sinti were, in principle, not averse to decentralisation as long as it allowed them to live amongst family. The shortage of sites is now a problem as it puts this wish for community living under pressure. Few municipalities are nowadays building sites and most aim to house everyone in regular housing or intermediate housing forms.<sup>41</sup>

### Shortages

Magazine ‘Het Wiel’ (The Wheel) appears 7 times a year, targeting Travellers, Sinti and Roma in The Netherlands. It discusses various topics such as raids carried out to curb so called ‘sanctuaries’, evaluates policies and regulations, gives historic overviews and holds interviews with residents. A recent publication described the implications of the abolishment of the Caravan Act, ten years ago. This article, mentions the shortage of sites as the most important bottleneck.<sup>42</sup> In addition, the author states that municipal policy pays insufficient attention to the wish to live amongst family, which overrides the wish to live in a caravan. The author refers to a 2001 study amongst Travellers that shows that 8 per cent of the residents would live in a house, of which 5 per cent would do this on the condition of living amongst family only.

A contribution by social workers in SCOOP 43 shows that, women are plagued by feelings of insecurity about their future as there was much uncertainty about halting sites. There was also irritation about the random way in which the freed sites were redistributed.

### Quality

---

<sup>37</sup> Overbekking, J en Ch. Van der Steen. Woonwagenbewoners, Sinti en Roma; ontwikkelingen en perspectieven, in: *SCOOP* 2002, pp. 4-5.

<sup>38</sup> Visit [www.srsr.nl](http://www.srsr.nl) for information on the organisation and contact details.

<sup>39</sup> Visit [www.zet-brabant.nl](http://www.zet-brabant.nl) for more information on the organisation and contact details

<sup>40</sup> Overbekking, J. Sinti en Roma in Nederland. Een inventarisatie, Stichting Rechtsherstel Sinti en Roma Utrecht, 2007.

<sup>41</sup> Overbekking, J. Sinti en Roma in Nederland. Een inventarisatie, Stichting rechtherstel Sinti en Roma Utrecht 2007 p. 19.

<sup>42</sup> Reuver. De stand van zaken. 10 jaar na afschaffing van de woonwagenwet. Het Wiel 1-2009.

<sup>43</sup> Ch. Van de Steen. Ondersteuning van het welzijnswerk, in: *SCOOP* 2002, p. 21.

According to an advisor in caravan affairs at the Overijssel Support Office, both the quantity and quality of caravans is insufficient. According to an article in *Het Wiel*,<sup>44</sup> 95 per cent of Travellers would like to live in a caravan. A quality caravan that provides sufficient space with the possibility of a bedroom and study for the children – as is the norm in regular housing – well-isolated, exploitable and with the possibility to obtain a mortgage. The interviewed disagrees that the caravan is an outdated type of dwelling and says that the government has failed to build in a guarantee in existing legislation, thus preventing quality caravans from being built. Moreover, the Building Act hardly indicates any norms for caravans, which according to him, results in municipalities purchasing cheap and bad-quality caravans.

In addition, social workers indicated that the elderly and disabled in particular make very little or no use at all of services designed for them. Often, they were unfamiliar with such services.

In the interviews, it was also mentioned by some that the housing situation of certain vulnerable groups were poor. An expert of a support agency in province of Brabant labels the elderly and financially weak as specifically vulnerable groups. In the 1980s, the Ministry of Housing, Spatial Planning and the Environment (VROM) made many rental caravans available. These caravans have now been written off, resulting in the elderly living in caravans that do not meet the quality standards.

According to this expert, corporations are not interested in renovating these caravans or building new ones. So once the older residents leave quietly and no new residents take over, the site is dismantled and no new caravan put in its place. In this way, valuable sites are lost.

There is limited information about the housing quality of the small immigrant Roma group in The Netherlands. This group is small, barely visible, and it is thought that most of them live in regular housing.<sup>45</sup>

### 1.3.2. Issues of spatial or social segregation

There is no qualitative information available on issues regarding the spatial or social segregation of Roma and Travellers.

### 1.3.3. Access to social housing

Due to the shortages of quality halting sites, it they are becoming more expensive. In this way, the financially weak Travellers were pushed away from living in caravans by the richer residents.<sup>46</sup> The lack of sites is also gradually pushing people into regular housing. <sup>47</sup>Some try to postpone this by living with their parents, grandparents or other family members, or by illegally placing a

---

<sup>44</sup> Serieus werk maken van standplaatsen. *Het Wiel*, 1-2009.

<sup>45</sup> Rodrigues and Matelski, *Monitor racisme en extreem rechts, Roma en Sinti*, Amsterdam/Leiden, 2004, p. 16.

<sup>46</sup> Overbekking, J en Ch. Van der Steen (2002). Woonwagenbewoners, Sinti en Roma; ontwikkelingen en perspectieven, in: *SCOOP 2002*, p. 3.

<sup>47</sup> Rodrigues and Matelski, *Monitor racisme en extreem rechts, Roma en Sinti*, Amsterdam/Leiden, 2004, p. 37.

small caravan on a site. Several interviewees have commented on 'overcrowded situations' at halting sites. This can create social and safety problems.

One of the interviewees who live on a halting site paints this picture of life on her site. There are 33 caravans on the designated halting sites and, for lack of spaces, around 6 caravans in-between. Mrs S. mentions the example of another centre where the municipality, in order to physically prevent illegal parking, has placed high barriers next to the sites. They effectively solve the symptoms but not causes of the problem. She explains that she sometimes regrets the abolishment of the Caravan Act. The act gave them a certain status and protection which they now seem to have lost. They are not acknowledged as a group, and according to Mr K., their 'cultural heritage is slowly but surely destroyed through bureaucracy and regulations.'

One of the interviewees, the expert from a support agency in the province of Brabant, who has carried out research into Roma and Travellers since the 1980s, comments: 'There is an evident shortage of sites. The building of new sites is not in step with the natural population growth, especially since the number of sites currently in use is insufficient to house all those who wish to live in a caravan.' Even if the government bases the natural population growth on the number of people born in a caravan who wish to live in a caravan, this doesn't give an accurate figure, as part of this group is now forced to live in a house. It doesn't take into account those for whom there were no sites available in the past but who still wish to return, possibly with their family and/or children. 'In practice, local governments try to keep growth figures low in order to have the least people possible living in a caravan.'

#### 1.3.4. Access to private housing

Several Roma, Sinti and Travellers want to buy a permanent 'chalet' on a halting site. Buying property however proves problematic, as confirmed by reports, articles and interviews.

The National Platform Supporting Organisations for Travellers LOSW (Landelijk Overleg Steunfuncties Woonwagenwerk) confirms this problem and is negative about the inequality between buyers of 'regular' property and buyers of caravans. It is of the opinion that the government does not do enough to compensate this legal inequality. 48

In an interview, the following question was posed to the Amsterdam Anti-Discrimination Agency. 'Roma, Sinti and Travellers indicate that it is impossible or difficult to finance caravans. Where lays the problem?' According to one of the consultants working at the office, there are several aspects to this problem. 'Firstly, mortgage lenders don't consider caravans as regular housing but as recreational accommodation. In order to get funding for a recreational property, the applicant has to meet stricter income requirements. This makes it more difficult for people with a low income to obtain funding. Secondly, some mortgage lenders put in specific requirements place. For example, that no mortgages will be granted to 'homes on wheels'. This excludes caravans even though, strictly speaking, they often are not mobile. A third funding criterion is

---

<sup>48</sup> Letter to the Minister of Housing and Planning and members of parliament (11.03.2008). Available on <http://www.variya.nl/pdf/behandelingBEWplus110308.pdf> [20.05.2009].

that the property should stand on its own land. In The Netherlands, most sites are owned by the municipality, so only few caravan buyers are able to meet this criterion. This results in an unequal starting position between buyers of caravans and buyers of regular properties’.

In addition, she suspects that red lining (post code discrimination) is included in mortgage assessments. Halting sites may be registered as ‘unfavourable post code areas’. The official of the Amsterdam Anti-Discrimination Agency concludes that, since the abolishment of the Caravan Act, caravans come under the Housing Act and have comparable status to regular housing. According to this official practice shows however that distinction between (mortgage) funding of houses and caravans does exist.

Previously, the Amsterdam Anti-Discrimination Agency submitted a similar case to the Equal Treatment Commission on behalf of a family which showed that there are more signs such as these but that only few people take action and report a case to an anti-discrimination agency or to the ETC. Still, it is important to record these signs in order to make a case and ultimately influence policies in a lasting way. Even though the complainants had essentially been put in the right, they ended up empty-handed as the Commission argued that the credit institution could in all fairness not be expected to serve such a small segment of the market. Following this decision, the Discrimination Complaints Office in cooperation with Art. 1 did work with the Liaison Committee for Mortgage Credit Institutions (CHF) in sharpening the code of conduct and the non-discrimination policy. Ultimately, nobody emerged to be responsible for monitoring compliance by the associated yet independent credit institutions.

### 1.3.5. Forced evictions

In several municipalities, evictions received national media coverage. Following low points such as these, some municipalities argued that national consultation should be reinstated.<sup>49</sup>

As the following examples show, there are several media records on forced evictions. In the autumn of 2008, Travellers were asked to leave a centre in the municipality of Alblasterdam. The industrial estate would not be suitable for living. The group was going to be split into four and eventually be located on newly build locations. The plan met with resistance from the Travellers because they wanted to stay together in the future. In addition, they do not agree that some of the residents must buy the land before being able to park their caravans on it. <sup>50</sup>

In 2004, a similar situation evolved in Eindhoven. There, an imminent forced eviction even led to arson and the deployment of police and riot police in order to calm people’s feelings. <sup>51</sup>

---

<sup>49</sup> Overbekking, J. Sinti en Roma in Nederland. Een inventarisatie, Stichting rechtherstel Sinti en Roma Utrecht 2007, p. 20.

<sup>50</sup> Regional Television, RTV Rijnmond, 10.09.2008. “Woonwagenkamp Alblasterdam moet weg.”  
<http://www.rijnmond.nl/Homepage/Nieuws?view=%2FNews%2FDefault%2F2008%2Fseptember%2FWoonwagenkamp%20Alblasterdam%20moet%20weg> [27.05.2009].

<sup>51</sup> Regional Newspaper Brabants Dagblad 22.03.2004.

At the time of writing, (spring 2009) the last remaining residents of a former large centre in The Hague were challenging the municipality's decision to forcibly evict them. In the beginning of February, eight households were still living at the centre, which in earlier times housed a small community of 62 caravan households.<sup>52</sup>

According to one of the interviewees, an expert from the Nijbod consultancy, this eviction is at odds with Article 31 of the Framework Convention on the Protection of National Minorities, which stipulates that adequate housing should be provided to Roma, Sinti and Travellers. In their eyes adequate housing means a caravan. In addition, they prefer to live amongst family. When one is forced to leave a centre, moving to another centre is often not an option. Since there is a shortage of 3000 sites, people are forced to move to regular housing against their will.

In the interviews, the NFP asked about the evictions and decentralisation. One of the interviewees explained that decentralisation is met with mixed feelings. Midway through the 1970s, decentralisation was the trend, and preference was given to smaller centres. The dismantling of large centres was carried out with varying success. He claims that centres which had been created 'artificially' by merging small centres were dismantled without many problems. People did not mind being separated again. However, resistance was met at the historically larger centres.

According to some, division of centres can also have its advantages. A study<sup>53</sup> among former Travellers who were forcibly integrated in residential areas 25 years ago, showed that the number of group members on benefits and involved in crime had decreased, and that more people held a paid job. Furthermore, the vast majority of the former residents were said to be happy with their current living situation. Only a few wished to return to a large caravan centre. The respondents and authors of the study saw, as an additional advantage, the fact that the negative perception and stigma of Travellers was slowly decreasing.

### 1.3.6. Legality and legalisation of settlements

In general, all families live on legal halting sites. However with the shortages of designated sites, the sites are overcrowded. Smaller caravans are 'illegally' placed directly next to the designated sites. These 'extra' places never get legalised, but whether or not they are tolerated on the short or mid-term depends very much on the attitude of the municipality or housing corporation that is responsible for the site.

### 1.3.7. Movement, encampment and use of private land

According to interviewees, halting sites had been dismantled during the decentralisation in the 1970s and 1990s when and Roma, Sinti and Traveller groups were either dispersed or, due to lack of space, moved into regular

---

<sup>52</sup> National Newspaper Algemeen Dagblad (03.02.2009) "De die-hards van het kamp".

<sup>53</sup> Venneman G. and F. Alsemgeest. *Bevrijd van een stigma: de maatschappelijke effecten van de opheffing van en regionaal woonwagencentrum in Deventer voor zijn bewoners en de samenleving*. Raalte (2005) .

houses. There are no records of the occupation of private land or illegal encampments.

### 1.3.8. Access to public utilities

There is no qualitative information available on access to public utilities for Roma and Travellers.

### 1.3.9. Access and quality of housing to third country Roma /Traveller immigrants

There is no qualitative information available on the access and quality of housing to third country Roma/Traveller immigrants, apart from one paragraph in the Roma and Sinti monitor report by the Anne Frank Foundation. The report states that they are barely visible as a group; they rarely travel, live in regular housing and often have had an education and employment in their country of origin, which helps them find their way in Dutch society.<sup>54</sup>

### 1.3.10. Campaigns undertaken by authorities on their right to adequate housing

The author of an article on the abolition of the Caravan Act in 1999 states that the government has a lax attitude with regards to the shortage of sites. It recognises a shortage but takes no action to solve it.<sup>55</sup>

From the interviews it emerges that professionals – even with limited authorisation or tools - are concerned with the fate of Roma, Sinti and Travellers, and are putting these issues on the political agenda as much as possible. They argue that there is sufficient reason for concern. Besides the housing issue, health, education and employment levels lag behind those in civilian society. With government funding to lobby organisations failing to materialize, an official dialogue between the community and government is lacking. The previous Minister of Housing was usually not open to discussing these issues when put on the national political agenda. She referred questions to local governments arguing they have no authority or responsibility with regards to this target group.<sup>56</sup>

The ECRI (European Commission against Racism and Intolerance) has criticised the Dutch Government's policy with regards to Roma and Sinti on several occasions. In 2008, the ECRI stated that it is 'almost impossible to effectively tackle the inferior position and discrimination of Roma and Sinti without long-term, visible and active coordination by the central government'. According to the ECRI, neglect and discrimination are apparent on almost all levels: education, employment, justice, housing and access to the public

---

<sup>54</sup> Rodrigues and Matelski, *Monitor racism en extreem rechts, Roma en Sinti*, Amsterdam/Leiden, 2004, p. 20 Overbeking. Zet: Sinti en Roma in Nederland; een inventarisatie. 2007, p.16.

<sup>55</sup> Reuver. De stand van zaken. 10 jaar na afschaffing van de woonwagenwet. Het Wiel 1-2009.

<sup>56</sup> VROM-Inspectie OV/2008063904/Jbr/Vku.

domain. Roma and Sinti are hardly represented in the public domain or government positions, and education and management training are urgently needed. Complaints are seldom reported which, amongst other things, is related to the vicious circle of (mutual) mistrust and prejudice. The ECRI advises the Dutch Government to develop an integral strategy with clearly defined goals at the central level to tackle neglect and discrimination in the above-mentioned policy areas, to allocate sufficient financial means to this end, and to develop methods to evaluate progress.<sup>57</sup>

One of the interviewees, an official from FORUM, considers it a great shortcoming that Roma, Sinti and Travellers are not in regular contact with the government. At the municipal level, with exceptions, contacts are fairly ad hoc and difficult to realise. At the national level, nothing remains since the abolishment of the Caravan Act. One reason may be that one no longer wishes to be involved with this 'small and divided group'. The official regrets this and, from 2005 onwards, has taken it upon himself to get the topic back on the national agenda through the Council of Europe. The Netherlands are constantly reminded of the Roma and Sinti by Europe, whether they acknowledge them or not. In 2008, the ECRI issued an important critical report with regards to the position of Roma, Sinti and Travellers in The Netherlands. The High Commissioner for Human Rights visited and was, according to representative of FORUM, inclined to discuss this particular topic. The expertise in this area probably lies with the Ministry of Foreign Affairs. The Ministry of Housing, according to official from FORUM, considers the issue mainly a 'pain in the backside'. He has noticed a changed mentality at the Ministry of Housing, which now thinks sanctuaries are not so problematic. The arrow points to normalisation once again, with the approach equalling the general neighbourhood approach. The official from FORUM thinks that when you talk about normalisation, you have to act in its spirit as well. Besides concentrating on inspections by the Ministry of Housing and combating sanctuaries, the housing issue should also be addressed by trying to meet certain wishes and tackle points of friction.

According to a staff of FORUM, the current state of affairs is as follows: A managerial meeting between municipalities has been reinstated and a support office for Sinti and Roma will be established at the national level. This means that the various departments do not pay attention to the issue but delegate their responsibility to the support office, which will act as a service provider to municipalities for all issues concerning Roma and Sinti. This is effectively a compromise because the central government does not want to return to 'the pre-1995 categorical times'. It wants general, mainstream policy without a 'special focus'. Still, there are calls for special attention to certain groups such as Sinti and Roma in Parliament. In the support office, Roma, Sinti and Travellers ought to get a voice as well. The representative of FORUM is curious to see to which extent one succeeds in breathing life into this involvement.

The Roma/Traveller interviewees emphasized that they too would welcome more contact with the authorities. A participatory body does not exist, and discussions on the target group as well as the development of policies take place without involvement of those concerned. According to Mrs S., this is 'in

---

<sup>57</sup> Recommendation ECRI (2008) 3, p.26 [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/netherlands/Netherlands%203e%20rapport%20-%20cri08-3%20-%20neerlandais.pdf](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/netherlands/Netherlands%203e%20rapport%20-%20cri08-3%20-%20neerlandais.pdf).



violation with recommendations given at the European level on developing policy in consultation with the target group and making funds available to tackle the problem of a shortage of halting sites.’

Mrs S. herself is busy lobbying for improved housing and living conditions for Roma, Sinti and Travellers. In order to preserve their culture, more sites are needed. In addition, she has plans for the development of centres where the focus lies on their own culture as well as on interaction with civil society. There are also plans to combat unemployment by enforcing one of the strong characteristics of community: trading.

## 1.4. Case law and complaints relating to the housing of Roma and Travellers

### 1.4.1. Public bodies that record and process complaints

In The Netherlands, an extended infrastructure for dealing with discrimination complaints exists. The two main pillars of this infrastructure are the local and regional anti-discrimination agencies (ADAs) and the Equal Treatment Commission (CGB). The ADAs' main task is to assist persons who have been confronted with discrimination through counselling and support.

ADAs are professional agencies, trained in counselling victims of discrimination on all grounds, and supporting them in finding solutions to their problems. In all cases of conflict, the agency applies the principle of hearing both sides. The complaint is registered and then the facts are presented to the other party (employer, service provider) and their view is requested. If the situation requires, and depending on the reply of the other party, ADA staff will assist a victim in a complaint procedure at the CGB or accompany a victim to report a criminal offence to the police. Over the years, it turned out that legal proceedings followed only a small number of complaints.. The complaints are registered in a national database and processed by the national expertise centre on discrimination (Art.1). To make reporting of a complaint easier, a national hotline has been developed. From anywhere in the country, the number 0900 2345345 can be dialled and the caller is directly connected with the nearest ADA.<sup>58</sup> In 2006, an advertising campaign to promote the hotline was organised with funding from the European Commission. In total, around 30 ADAs exist in The Netherlands.

A government-installed commission concluded that a nationwide network of places where persons could receive assistance in cases of discrimination was required. The government followed the recommendations to a large extent, and prepared a bill on the municipal anti-discrimination facilities.<sup>59</sup> The bill will make it compulsory for all municipalities to establish an anti-discrimination facility. The tasks of these facilities are the processing of complaints, providing

---

<sup>58</sup> [www.belgijk.nl](http://www.belgijk.nl).

<sup>59</sup> The Netherlands/Parliamentary Documents II, 2008/09, 31 439, no. 1: ‘Regels met betrekking tot voorzieningen op gemeentelijk niveau voor de behandeling en registratie van klachten over discriminatie’ (Wet gemeentelijke antidiscrimatievoorzieningen).

independent assistance to victims of discrimination and to register these complaints for reporting to the central government.

At the time of writing this report, the bill is under consideration by the Senate. It is expected that the Act on the Municipal Anti-Discrimination Facilities will come into force in the second half of 2009.

As far as support to Roma, Sinti or Travellers is concerned, it is not possible to give data on the number of persons from these communities who seek assistance from ADAs. ADAs occasionally receive complaints from Roma, Sinti and Travellers. These are not filed separately under the heading 'Roma/Sinti/Travellers', but usually registered under 'race/ethnic origin'. It is impossible to retrieve the number of complaints in the past years from these raw data. However, several examples can be found.

The Equal Treatment Commission (Commissie Gelijke Behandeling) was established in its present form in 1994 as a statutory body. It derives its existence from Chapter 2 of the Equal Treatment Act (ETA), which came into force on 1 September 1994.<sup>60</sup> The ETA refers to discrimination on the grounds of religion, belief, political conviction, race, sex, nationality, hetero- or homosexual orientation or civil status. The powers of the CGB on all of these grounds are described in the Act. With the coming into force of the Equal Treatment (Disability or Chronic Illness) Act in 2003, and the Equal Treatment in Employment (Age Discrimination) Act in 2004, the powers of the CGB have been expanded to these areas as well.

According to section 12 of the ETA, the Commission is empowered to investigate, on the basis of a written request, whether a distinction in the sense of the Act has been made. It can publish its opinion about the case. The CGB can also investigate on its own initiative if a distinction has been systematically made, and publish its opinion. The opinion may be sent to the plaintiff and to the referring party, and the opinion may include recommendations or advice. In cases when the Commission deems it necessary, it may send the opinion to the relevant ministers, to employers' organisations, trade unions, organisations in the public and private sector and consumers' organisations. The Commission also has the power to demand relevant information and materials from anyone.

There are various organisations supporting Roma, Sinti and Travellers in lodging housing-related (discrimination) complaints. In the first instance, there are the lobby groups for Roma, Sinti and Travellers, such as the National Platform Supporting Organisations for Travellers (Landelijk Overleg Steunfuncties Woonwagenwerk<sup>61</sup>) with its secretariat in Almelo, and the National Sinti/Roma Foundation LRSO (Stichting Landelijke Sinti/Roma Organisatie <sup>62</sup>) located in Best. Protection of the group's interests is their main task. Neither of these organisations have formal procedures in place with regards to registration or handling of complaints. As a result, it is unknown to outsiders how many complaints are received on an annual basis.

LRSO acknowledges that Roma and Sinti are not inclined to publicly share their experiences of discrimination. Incidents of discrimination are not reported to

---

<sup>60</sup> The Netherlands/Equal Treatment Act, Section 11. For the English translation of the Act, see: <http://www.cgb.nl/cgb170.php>. [14.04.2009].

<sup>61</sup> View [www.variya.nl](http://www.variya.nl) for information and contact details [20.05.2009].

<sup>62</sup> View [www.sintienroma.nl](http://www.sintienroma.nl) for information and contact details [20.05.2009].

anti-discrimination agencies, let alone the police. Mutual distrust between Roma and Sinti and the Dutch population play a major role in this. In addition, language is a problem, and they fear that complaining will worsen the problem instead of solving it.

In the past, the Equal Treatment Commission has issued several opinions on discrimination in housing of Roma, Sinti and Travellers – approximately one or two every year. In 2006, for example, a Traveller family made up of three generations complained that the municipality discriminated on grounds of race by not including caravan residency in their housing policy.<sup>63</sup>

Most other cases were related to (mortgage) lending to Travellers, with credit institutions refusing to grant mortgages for ‘chalets’.

## 1.5. Good practices

The Dutch NFP found one measure that could be termed a good practice. There have been no major national initiatives aimed at the housing situation of Roma, Sinti and Travellers, after the abolishment of the Caravan Act in 1999.

### 1.5.1. Code of Conduct mortgage loans

On 1 January 2007, a new code of conduct<sup>64</sup> regarding mortgage loans came into effect. In this code of conduct, which applies to all mortgage loans, the article on prevention of discrimination has been sharpened. This should help to bring the occurrence of indirect discrimination on the grounds of race and nationality when granting mortgage loans (as found in an investigation by the Equal Treatment Commission) to an end.<sup>65</sup> This code of conduct was sharpened after intensive contact between the CHF, the Equal Treatment Commission and the Anti-Discrimination Agency Amsterdam following a case submitted by the latter on behalf of a family who was refused a mortgage on a caravan by a bank.

The Liaison Committee for Mortgage Credit Institutions (CHF) is the umbrella organisation in which mortgage credit institutions (banks, Insurance companies, and pension funds) have agreed a code of conduct. The CHF was founded in 1990 by The Netherlands’ Bankers Association (NVB, Nederlandse Vereniging van Banken), the Dutch Association of Insurers (Verbond van Verzekeraars), the Dutch Association of Industry-wide Pension Funds (Vereniging van Bedrijfstakpensioenfondsen) and the Building Fund Mortgages (Bouwfonds Hypotheken B.V). The NVB runs the secretariat for the CHF. One of the aims of the CHF is to monitor compliance with the Code of Conduct. The Liaison Committee for Mortgage Credit Institutions is located in Amsterdam (Singel 236, 1016 AB Amsterdam, tel: 003120555-2888).

The code of conduct is aimed particularly at preventing discrimination on grounds of race and nationality. Attention was asked for indirect discrimination

---

<sup>63</sup> The Netherlands/CGB opinion no. 2006-222 (06.11.2006).

<sup>64</sup> [www.ingbank.nl/ownloadables/product\\_parti/gedragscodehypfin.pdf](http://www.ingbank.nl/ownloadables/product_parti/gedragscodehypfin.pdf)

<sup>65</sup> CGB (2006). *Risicoselectie op grond van postcode en verblijfsstatus: Een onderzoek uit eigen beweging naar onderscheid door hypothecair financiers*. Utrecht: CGB.

of Travellers. Upon inquiry by the Discrimination Complaints Office in Amsterdam, it became apparent that there is no mandate for active monitoring. The Liaison Committee did commit itself to the non-discrimination policy and brought the code of conduct to the attention of its members once more. However, it has indicated that they are not in a position to check compliance with the rules.

When developing the code of conduct, cooperation was successfully sought with Art.1 and the Equal Treatment Commission but after lodging the initial complaint which got the ball rolling, failed with the lobby organisations for Roma, Sinti and Travellers. Feedback to the group was also limited. Because the number of complaints lodged with anti-discrimination agencies with regards to mortgage lending is still limited, an appeal to report such complaints was recently published in the magazine *Het Wiel*.

## 1.6. Major national projects

As a result of the national government's delegation of housing issues to municipalities, no major projects funded through national funds targeting the housing situation of Roma, Sinti and Travellers have taken place in The Netherlands.

## 2. Field research - interviews

### 2.1. Brief description of the methodology

#### 2.1.1. Selection of interview partners

The selection of the interview partners took place with respect to the particular situation in The Netherlands. The Dutch Government has had a policy of slowly retracting their involvement with the Roma, Sinti and Traveller communities, and finishing their relationship after the abolition of the Caravan Act in 1999. Nor does the Dutch Government acknowledge Roma, Sinti and Travellers as national minorities under the Framework Convention for the Protection for National Minorities - a special status only granted to the Dutch Frisians. The NFP tried to reach a gender balance in the persons to be interviewed, which resulted in the collaboration of two female interviewees.

When pressing issues regarding Roma, Sinti and Travellers are addressed –such as housing issues – the national government, refers to local governments to solve these problems.<sup>66</sup> Local governments are looking to the government in The Hague for support but they do not receive any. Because of this lack of support, private agencies step in. These agencies are contracted by local governments to provide support in housing issues, including maintenance of halting sites. For this reason, the NFP decided to interview a consultant at Nijbod Consultancy, one of the largest private agencies dealing with housing issues for Roma, Sinti and Travellers. The official of Nijbod Consultancy was also asked about his experiences with local and national government. The official from Nijbod Consultancy was first contacted by e-mail and later interviewed by telephone.

We did not find someone to interview from the national authority, because of the fact that The Netherlands has no national authority dealing with Roma, Sinti and Travellers. The Ministry of Housing has made it publicly clear that Roma, Sinti and Travellers are not their responsibility and that problems regarding housing issues should be dealt with at the local level.<sup>67</sup>

The national government does, however, financially support FORUM as the centre of expertise, where some research and monitoring activities take place into the situation of Roma, Sinti and Travellers. An expert from FORUM was interviewed. We first contacted him via e-mail and visited him at his office in Utrecht.

Another expert in the field of Roma, Sinti and Travellers in The Netherlands since the 1980s was interviewed. This expert is generally seen as an authority in the field, and he has many contacts in the communities. The expert currently works for a support agency in the province of Brabant with a large Roma, Sinti

---

<sup>66</sup> Most recently: The Netherlands/Parliamentary Documents II, 2008/09, appendix no. 2012 (19.03.2009).

<sup>67</sup> The Netherlands/Parliamentary Documents II, 2007/08, appendix no. 2894 (30.06.2008) and The Netherlands/Parliamentary Documents II, 2008/09, appendix no. 2012 (19.03.2009).

and Traveller community. We contacted him via e-mail and later arranged an interview via the telephone.

Since obtaining a mortgage is difficult for Roma, Sinti and Travellers, we chose to interview an official of the Amsterdam Anti-Discrimination Agency who helped to support a discrimination claim by Travellers at the Equal Treatment Commission. The official was contacted by phone and we later arranged an interview by phone.

Last but not least we got into contact with two family members of Roma and Traveller descent living on a halting site. Mrs S. and Mr K. were kind enough to speak to us about their first-hand experiences and problems about living on a halting site. We were given the contact details for Mrs S. by the official from Forum, and she was immediately willing to make an appointment for a telephone interview.

## 2.2. Interviews

### 2.2.1. What are the most important features of Roma/Traveller housing and accommodation situation in The Netherlands?

All the interviewees agree that the shortage of halting sites is the most pressing housing problem with regards to Roma, Sinti and Travellers in The Netherlands. Another problem is the lack of government involvement with Roma, Sinti and Travellers. Lastly, the problems of obtaining a mortgage for a 'chalet' are also very significant.

The following section is based on the interviews with the five respondents. The quotations are taken from these interviews.

#### Halting sites

According to an Expert from a support agency in the province of Brabant there 'is an evident shortage of sites'. The building of new sites is not in step with the natural population growth, especially since the number of sites currently in use is insufficient to house all those who wish to live in a caravan. Since part of this group is now forced to live in a house, even if the government bases the natural population growth on the number of people born in a caravan who wish to live in a caravan, this does not give an accurate figure. . It does not take into account those for whom there were no sites available in the past but who still wish to return, possibly with their family and/or children. According to the same expert, 'local governments try to keep growth figures low in order to have the least people possible living in a caravan.

The official from FORUM shares this view: 'One of the most significant problems is the shortage of halting sites, but this is hardly monitored, nor are interventions made to change this'. With the abolishment of the Caravan Act (in 1999) in view, Parliament requested the government in 1995 to monitor the

number of sites. This has happened only twice since 1999.<sup>68</sup> The Ministry of Housing is expected to monitor demand and supply 'but it is running away from its responsibility'. The Ministry's inspection department is able to provide information, according to the FORUM' official, as the office dealing with enforcement issues does keep a register of its visits to the centres. In past years, enforcement has been intensified as the government wants to act against what is commonly known as 'sanctuaries'. 'The government has less attention for the discrepancy between supply and demand of sites; neither does it stimulate municipalities to do something about this'.

'The fact that most municipalities choose a policy of dismantlement is the most significant reason for the shortage of sites', says the official of FORUM. He regrets this and states that dismantlement is effectively in violation of the law, as caravans are an acknowledged housing form falling under the Housing Act. He concludes 'Government officials wrongly assume that the right to live in a caravan was annulled with the abolishment of the Caravan Act in 1999.

With the abolishment of the Caravan Act, the situation became comparable to regular housing, says the expert from the support agency. When a site becomes available (people grow old and move to a nursing home or pass away.), interested parties can register and apply to live in the caravan. 'The residents were shocked to hear this as they feared that "citizens" would now be able to bid for these popular sites as well. In practice this doesn't seem to be the case, and sites generally don't become available in the above-described way anyway'. It usually goes as follows: the [grand] daughter moves in with the grandfather and/or grandmother to care for them. When the grandparents eventually move out to nursing homes, the granddaughter can legally claim the caravan on the basis of the term she demonstrably lived at the address. Another common 'solution' in case no sites are available is 'to purchase an old ramshackle caravan and park it illegally alongside the parents' caravan. This situation is often tolerated, or is at least able to continue for the short- or medium-term', says Expert from a support agency in the province of Brabant.

In practice, the shortage of halting sites does lead to problems on the halting sites, such as overcrowding and illegal residency. When additional family members join the community, quite often a small mobile home or caravan is purchased and placed next to that of the parents when an independent site in the centre is not available. According to the staff member of Nijbod consultancy, 'there is a strong sense of living with the family which explains the preference for "adding" living space'. This results in overcrowding in the centres and sometimes fire hazards. In addition, it is questionable whether and for how long such situations are tolerated and what happens after inspections.

Then there is an issue with the rental caravans. These are often overdue maintenance. 'As a result, new tenants are difficult to find when the old tenants leave. If timely renovation is not undertaken, the caravan will be demolished and even more scarce halting sites will disappear', says the expert from a support agency in the province of Brabant.

---

<sup>68</sup> This resulted in: Cebeon (1997) Monitor Woonwagenbewoners. Economische en maatschappelijke positie. Amsterdam: Cebeon BV and: Cebeon (2002) Monitor maatschappelijke en economische positie woonwagenbewoners: Tweede meting. Amsterdam: Cebeon BV.

Mr K, who lives on a site, also addresses the issue of rental caravans. According to him, municipalities build small centres with several rental caravans on them. Residents are practically forced to make use of this offer, even though it does not match their needs. It is not possible to place your own caravan on those sites, which makes the municipal approach rather inflexible. His cousin, Mrs S states that people have different housing needs in each phase of their lives: 'When you get married you will move into a caravan with your husband, and buy a slightly bigger one once the children arrive. When growing older you move back to a smaller size caravan and hand over your big caravan to your children or sell it. This way of living is also very environmentally friendly'.

#### Lack of government involvement

According to the official of Nijbod consultancy, since the abolishment of the Caravan Act in 1999 has been little attention paid by municipalities to the housing problems of the target group. He says: 'The municipalities' primary goal at the time was -and often still is- integration into civilian society through accommodation in regular housing. According to him, this is not what they want. He continues: 'One prefers to: 1) live amongst family 2) in a caravan, but municipalities fail to meet these needs. They want people to move to regular houses as much as possible and, for this reason, keep the centres small. In practice, this results in young adults living with the family in additional small caravans without official permission. The result? 'Overcrowding, with all its consequences'. The shortage of halting sites is a burning issue according to the official of Nijbod consultancy and occurs throughout The Netherlands. The shortage is estimated at 3,000.

Municipalities deal with the problem in different ways. Some are compliant and look at the needs of the residents, others stick to a policy of enforcement and prohibit 'illegal residency'.

How do residents deal with the shortage of sites and the reluctance of municipalities and government in dealing with the issues? According to Mr K. the government pursues a 'dismantling' policy with the ultimate goal to accommodate as many people as possible in regular housing and – in his words - 'take away our cultural heritage and destroy it'. According to him, nothing is left of their nomadic existence, and if living in a caravan amongst family is taken away from them as well, nothing will remain for the following generations. This is what worries Mrs S and what she lobbies for. Not for personal benefit, but on behalf of the future generations. (Grand) parents used to hand over their caravans to their children. With the current shortage of sites, there may now only be one site for approximately 20 grandchildren. This means that the other 19 Roma, Sinti and Travellers, their partners and future generations can no longer live in the traditional way and anonymously disappear into civilian society', she claims.

According to Mrs S. and Mr K., municipal policy is ultimately aimed at this, even if there are municipalities that distinguish themselves in a positive sense by working together with residents on the creation of additional sites.

Mrs S. paints a picture of her centre. There are 33 caravans on the designated halting sites and, for lack of spaces, around 6 caravans in-between. Due to the lack of sites it is not uncommon that grown-up children – sometimes even while married – live with their parents until well into their twenties.



S. mentions the example of another centre where the municipality, in order to physically prevent illegal parking, has placed high barriers next to the sites. In this way, they effectively solve the symptoms but not the cause of the problem.

#### Regional differences

According to the expert from a support agency in province of Brabant regional differences do exist. Civil disobedience is one factor contributing to regional differences. In Enschede, Nijmegen, Groningen and Zeist there are still a number of large historic halting sites. The NFP asked the interviewees why decentralisation was not implemented here? 'Mainly due to local politics', according to the official of the support agency. Some municipalities decided to keep a certain distance from national policy. In Groningen someone remarked: 'By the time the noise from The Hague arrives in Groningen, new policies will have been formulated again'. Enschede allegedly described the dismantling policy as 'destruction of capital'. In previous years, they invested considerably, both in a social sense by networking with the community; and in a material sense through provision of services, land and caravans in the centres. They wanted to keep this relationship work.

The official form FORUM shares the view that regional differences certainly exist. According to him, municipalities and corporations all have a different tradition in dealing with this housing form, and with the target group. In some places, contact is generally good and pleasant, while in other locations relations are more strained.

Currently, a large halting site in The Hague is being dismantled. According to a representative of Nijbod consultancy the policy is at odds with Article 31 of the Framework Convention for the Protection of National Minorities, which stipulates that adequate housing should be provided to Roma, Sinti and Travellers. According to expert form Nijbod consultancy, adequate housing means a caravan. In addition, they prefer to live amongst family. When one is forced to leave a centre, moving to another centre is often not an option, and people are forced to move to regular housing against their will.

#### Obtaining mortgages

Another important problem identified by the anti-discrimination lobby is the practice of obtaining mortgages. Roma, Sinti and Travellers indicate that it is difficult to impossible to finance caravans.

The official from the Amsterdam Anti-Discrimination Agency remarks that, since the abolishment of the Caravan Act, caravans come under the Housing Act and have comparable status to regular housing. However, in practice the distinction between (mortgage) funding of houses and caravans does exist. She highlights several distinctions. 'Mortgage lenders don't consider caravans as regular housing but as recreational accommodation'. In order to get funding for a recreational property, the applicant has to meet stricter income requirements. In addition, some mortgage lenders put in place specific requirements, for example that no mortgages will be granted to 'homes on wheels'. This excludes caravans even though, strictly speaking, they often are not mobile. A third possible obstacle is that the property should stand on its own land. This is problematic because 'in The Netherlands, most sites are owned by the municipality, so only a few caravan buyers are able to meet this criterion'. According to the official from the Amsterdam Anti-Discrimination Agency this

all results in an unequal starting position between buyers of caravans and the buyers of regular properties. In addition, the official suspects that 'red lining' (post code discrimination) might be included in mortgage assessments. 'Halting sites may be registered as unfavourable post code areas'.

#### Vulnerable groups

The elderly, youngsters, people with disabilities and the financially weak are mentioned as the most vulnerable groups by the interviewees. The expert from a support agency in the province of Brabant mentions in particular, the elderly that live in caravans falling under council housing. According to him, these caravans no longer meet the current housing standards. Renovation is too costly for the municipality, so most of the sites end up nominated to be dismantled.

According to the expert from a support agency in the province of Brabant, it is quite common that younger generations take care of the elderly. However, with limited possibilities to adapt the caravans to those with disabilities –partly due to old age- the elderly prematurely move to a nursing home. This is 'not being cared for within their own community, as is more common in this culture', he concludes.

Other interviewees recognised that municipalities are reluctant to endorse renovations to caravans which would enable the elderly and less mobile to live independently or be cared for at home by family for a longer period. According to an official from the Nijbod consultancy, government officials 'urge people to move to regular housing where special services are more easily installed instead of staying in their caravan'. Such requests often take a long time, and in the meantime, the family will have to come up with interim solutions.

The NFP has specifically asked about the position of women. According to the interviewees, the position of women is not necessarily more vulnerable than that of others. Independent housing is often in sight at the time of marriage. In the case of a lack of space, a small caravan will temporarily be parked illegally next to the parents' caravan or one decides to live with the (grand) parents and eventually take over their caravan. Because of the lack of sites, one usually lives with (grand) parents for a longer period of time or is forced to move to regular housing after all.

### 2.2.2. Work of the institutions/interviewees on Roma, Sinti and Travellers issues

FORUM considers it a great shortcoming that Roma, Sinti and Travellers are not in regular contact with the government. At the municipal level, contacts are fairly ad hoc and difficult to realise, not counting exceptions. At the national level, nothing remains since the abolishment of the Caravan Act. One reason may be that no one wishes to be involved with this 'small and divided group' any longer. The expert from FORUM regrets this and, from 2005 onwards, has taken it upon himself to get the topic back on the national agenda through the Council of Europe. The Netherlands are constantly reminded of the Roma and Sinti by Europe, whether they acknowledge them or not. In 2008, ECRI issued an important critical report with regards to the position of Roma, Sinti and Travellers in The Netherlands. The High Commissioner for Human Rights

visited and, according to the official of FORUM who spoke to him as well, was inclined to discuss this particular topic.

According to the interviewed staff of FORUM, the current state of affairs is as follows: A managerial meeting between municipalities has been reinstated and a support office for Sinti and Roma will be established at the national level. This means that the various departments delegate their responsibility to the support office, which will then act as a service provider to municipalities for all issues concerning Roma and Sinti. In his view, this is effectively a compromise because the central government does not want to return to 'the pre-1995 categorical times'. It wants general, mainstream policy without a 'special focus'. Still, there are calls in Parliament to pay special attention to certain groups such as Sinti and Roma. Roma, Sinti and Travellers ought to get a voice in the support office as well. The staff member of FORUM is curious to see to which extent this is accomplished.

The organisation Nijbod Consultancy, a private agency for the maintenance of halting sites, is specialised in management of locations and renovation/building of centres. They are one of the few organisations in this area, and currently the largest. They have been doing this work since 1991. According to an expert of Nijbod Consultancy, good housing policy for Roma, Sinti and Travellers rests on two pillars; enforcement policy and housing policy. As long as the emphasis lies on enforcement only, and nothing is done to solve the acute shortage of sites, chances are that the situation will deteriorate.

The Amsterdam Anti-Discrimination Agency supports people who have encountered discrimination. They offer support and assistance, and can help put in claims to independent bodies or the Equal Treatment Commission. The Amsterdam Office has supported a group of Travellers who had been denied a mortgage for a 'chalet' and contested this at the Equal Treatment Commission.

ZET is a provincial support institution which supports the social infrastructure in Noord-Brabant in the areas of housing, welfare and care. Until eight years ago, providing support to Roma, Sinti and Travellers was an active task of ZET. However, with the abolishment of government policy, their involvement in this area decreased as well. Since the withdrawal of the state, the provinces have followed suit. The expert from a support agency in the province of Brabant is still involved, but has limited capacity in his range of duties. Incidentally, he deals with requests for studies and evaluations.

Mrs S en Mr K are individuals living on a halting site. Mrs S has started an initiative to activate others living on halting sites to speak up for their rights and ask municipalities to provide more halting sites.

### 2.2.3. National, regional or local housing and accommodation policies related to Roma/Travellers' housing and their impact on the situation

The Expert from a support agency in the province of Brabant gives a historic overview: 'A hundred years ago, the first Caravan Act came into effect in order to prevent Travellers from confiscating public greens'. In the 1960s, a policy of

large halting sites with extensive services was put in place, but reconsidered shortly after. 'Midway through the 1970s, decentralisation was the trend, and preference was given to smaller halting sites. The dismantling of large sites was carried out with varying success. Halting sites which had been created "artificially" by merging small sites were dismantled without many problems. People did not mind being separated again. But resistance was met at the historically large sites,' according to this expert.

The abolishment of the decentralisation policy meant the end to policy development in general, and the end to employment of specialists in the area of Roma, Sinti and Travellers. The expert from a support agency in the province of Brabant can understand the abolishment of policy in principle, even though it also has negative effects: 'At the time, qualified and experienced people were coming up with sensible policies. Now governments and housing corporations seem to avoid having to deal with the target groups and are increasingly delegating tasks to management agencies... The government no longer involves specialists, municipalities are "tired of gypsies", and consultations between the government and municipalities are rare. The topic is no longer "sexy", nor does it give any "credit",' the expert concludes.

The FORUM' official can relate to this view: 'Municipalities pursue different policies that can be divided into 5 categories, ranging from the zero-option (dismantlement) policy to a dialogue on wishes and possibilities with regards to housing form and lifestyle'. To social housing corporations, halting sites are an expensive housing form.

According to most interviewees, municipalities were primarily interested in small halting sites, spreading people and families as much as possible and housing them wherever possible in 'brick houses'. According to the respondents this meant in practice that sites were no longer renovated nor extensions added. In this way, the turnover rate rose and the new generation – through lack of halting sites - was forced to move to regular housing.

However, some municipalities, for example those who had a longer experience with halting sites and consultation with their residents, chose a different route. According to the respondents, these municipalities preferred a 'more pragmatic approach and denounced the destruction of capital and past investments in building relationships and renovating/building sites and caravans'. These municipalities were aiming to get more 'return' out of this rather expensive housing and vulnerable population group.

Many respondents see a similar change in thinking in other municipalities. Following the strict policy of the past years, the Ministry of Housing concentrated on enforcement and action against the alleged sanctuaries. In this period, the focus was on pursuing alleged abuses such as fraud and illegal practices, which received ample media coverage. The official from FORUM insists, however, that 'the number of abuses is limited, but that the government is reluctant to divulge any statistics'.

By and large, the respondents are of the opinion that the normalisation policy with regards to the position of Roma, Sinti and Travellers as promoted by the government has only slightly changed the government's own attitude towards the group. According to the expert from a support agency in the province of Brabant 'Many governments still consider the caravan as an undesirable type of dwelling and find it difficult to deal with the residents'. Others also consider the

passing of responsibilities as a sign that the process of normalisation has not yet affected the government.

'Municipalities delegate many tasks to corporations and private management agencies, which in itself is not wrong, but in practice does take away responsibility from municipalities', says the staff member of FORUM. He has noticed a changed mentality at the Ministry of Housing and Social Planning, which now thinks 'sanctuaries' are not so problematic. The official from FORUM thinks that, 'when you talk about normalisation, you have to act in its spirit as well. Besides concentrating on VROM inspections and combating sanctuaries, the housing issue should also be addressed - by trying to meet certain wishes and tackle points of friction'.

The expert from a support agency in the province of Brabant says that, 30 years after launching the normalisation campaign, the government does not seem to have adapted this attitude itself: 'Municipalities and the state keep passing issues with Travellers to and from, like hot potatoes. Housing corporations, officially responsible for the rental and management of (social) caravans also seem to delegate their task to third parties. One of those specialised management agencies has found a gap in the market by convincing municipalities and corporations that "special groups need a special approach", and is making good money out of it,' he concludes.

A staff member of Nijbod consultancy also feels there is little attention in municipalities for the housing problems of the target group since the abolishment of the Caravan Act in 1999. 'The municipalities' primary goal at the time was - and often still is - integration into civilian society through accommodation in regular housing. Municipalities deal with the problem in different ways. Some are compliant and look at the needs of the residents, others stick to a policy of enforcement and prohibit "illegal residency."'

According to the official of Nijbod consultancy, there is hope on the horizon. Attention to Roma, Sinti and Travellers in The Netherlands is on the increase and, 'the new Minister of Housing, Communities and Integration seems to have an interest in the groups as well. This is in sharp contrast with the VROM inspections which concentrate on a rigid enforcement policy and a policy that focuses on accommodating as many people as possible in regular housing'. The Minister of Housing, Communities and Integration may be able to structurally improve the housing situation of the target groups through a two-pillar policy of enforcement and housing.

Mr K. dislikes the government's policy. Not only does he consider it to be unfair, he is also aware of his European rights. As his cousin Mrs S. puts it, 'Not consulting us is in violation with recommendations given at the European level on developing policy in consultation with the target group. Plus, they have to make funds available to tackle the problem of the shortage of halting sites'. Apart from that, he remarks that, from a European perspective, it is sad that the freedom to travel has been curbed so rigorously by the Dutch Government. For example, in France this is not at all the case. According to him, the freedom to travel is at least as important as the caravan itself: 'It is in our blood; it is difficult to explain how important this is to us'.

## 2.2.4. Examples of 'good practice' related to Roma/Travellers housing?

Respondents found it difficult to come up with good examples, even though there most certainly are some. The official from FORUM stresses that, 'good examples depend on interpretation and time. The Vinkenslag halting site near Maastricht used to be a good example but after some time became a bad example. It's image in any case'. A strict enforcement policy was imposed, based on alleged troubles on the halting site which were seen as indicative of the situation at other sites. In the eyes of the residents and the respondents those inspections and show of force by the police have severely damaged mutual trust and the general perception of the group.

One of the examples the staff member of FORUM brought up was a site visit in November 2008 to De Hendrikskade in The Hague which is well-managed. According to him, 'It is an example of satisfactory cooperation in the centre between the municipality, residents and the private management agency'. He has mixed feelings about this visit, because, 'At the same time there is an ongoing struggle in the same municipality with regards to another centre at the Escamplaan from where many people have been (forcibly) evicted already, and the last remaining are currently fighting eviction'.

The FORUM' representative also gave documentation on some social housing corporations that make an effort to meet the Travellers' housing wishes. The housing corporation Domein in Noord-Brabant, for example, has developed a number of small centres (replacing the old centres) in close cooperation with the National Roma and Sinti Organisation. Having gained experience with a small centre at another location, the housing corporation De Woonplaats in Enschede is developing a site bordered by 12 brick houses with space for 40 caravans in the middle. De Woonplaats is even exploring the idea to start a caravan corporation, and presented several plans to this end in the summer of 2008.

All-in-all, it seems that very limited initiatives and actions have been undertaken to improve the situation of Roma, Sinti and Travellers in The Netherlands. The shortage of sites has only been marginally addressed, if at all. The response that municipalities give to the illegally extra caravans placed on sites are only fighting the symptoms, not the cause of the problem - namely the evident shortage of halting sites. The attention the national government has given to the halting sites is only based on the alleged illegal activities that take place in the 'sanctuaries'.

Another example of a 'good practice' was undertaken after the Amsterdam Anti-Discrimination Agency had contested the rejection of a mortgage to a family of Travellers on a 'chalet'. When developing the code of conduct with the mortgage lenders, cooperation was successfully sought through the association against discrimination 'Art.1' and the Equal Treatment Commission, but failed with the lobby organisations for Roma, Sinti and Travellers after lodging the initial complaint. Feedback to the group was also limited. Because the number of complaints lodged with anti-discrimination agencies with regards to mortgage lending is still limited, an appeal to report such complaints was recently published in the magazine 'Het Wiel'.

Mrs S. herself is busy lobbying for improved housing and living conditions for Roma, Sinti and Travellers. In order to preserve their culture, more halting sites

are needed. In addition, she has plans for the development of centres where the focus lies 'on our own culture as well as on interaction with civilian society'. There are also plans to combat unemployment by encouraging trading, one of the strong characteristics of the community: 'I have discussed her plans with the Mayor of Amsterdam and noticed that the city hardly paid any attention to halting sites for Travellers in its many project development plans'.

## 2.2.5. Involvement in any cases of housing discrimination or other violations of the housing rights of Roma/Travellers?

It was the Anti-Discrimination Agency in Amsterdam that supported a Traveller family who were affected after a mortgage for a 'chalet' was denied in 2007. The family's mortgage request had been turned down by a bank. Suspecting this rejection could be discriminatory, the Complaints Office submitted the case to the Equal Treatment Commission. The Commission eventually decided that indeed, (indirect) unlawful distinction had been made on grounds of race. However, it did not 'condemn' the mortgage lender, arguing that the concerned credit institution was only a small player who, in all fairness, could not be expected to serve such a small segment of the market.

This was a fundamental case, through which the complainant and ADA in Amsterdam took up hoping to influence mortgage lenders and banks. They approached the sector organisation of mortgage lenders, CHF, and corresponded extensively with them. The CHF did commit itself to the non-discrimination policy and brought the code of conduct to the attention of its members once more, but also indicated that it was not in a position to check compliance. Ultimately, it is the banks who interpret the process. The expert from the Amsterdam Anti-Discrimination Agency calls it a tough and not entirely transparent process, 'You don't know which arguments are true and which are used to cover up discriminatory policy'.

### 2.2.5.1. Summary/Discussion

### 2.2.5.2. Policy

The abolition of the Caravan Act in 1999 is often characterised as one of the defining moments in Dutch dealings with Roma, Sinti and Travellers. From that moment on, these groups were no longer granted a special status and their housing rights were considered equal to those of other inhabitants of The Netherlands. It also meant that the national government no longer had a (housing) policy for Roma, Sinti and Travellers and were referring groups to local governments to deal with housing issues.

Our respondents have all referred to the abolition of the law and commented on the importance of it, but they also stressed that previous to the abolition, there was a change in policy that has had an equally important effect; namely the policy of 'decentralisation' of sites and 'normalisation'.

Since they previously were dealt with under national policy and the responsibility of the Ministry of Housing, most local governments had no real expertise on dealing with housing (or other) issues for Roma, Sinti and Travellers.. In the 1960s and 1970s, the national government, the Ministry of Housing and national policies started a policy of ‘decentralisation’ and ‘normalisation’. In effect, this came down to dividing up the larger halting sites into smaller sites in order to integrate Roma, Sinti, and Travellers into ‘civil society’ and to accommodate as many of them as possible in regular housing.

The respondents stress that the lack of halting sites gives reason to believe that the government still prefers Roma, Sinti and Travellers to move into regular housing. There is a proven shortage of 3,000 sites, but no national policy or commitment to provide these in the short-term.

Respondents stress that some local municipalities build extra sites, but are not encouraged to do so on a national level. On top of that, most local governments feel that with the abolition of the Caravan Act ‘the right to live in a caravan was annulled’.

Roma, Sinti and Travellers are frustrated with the policies of the national government and local municipalities. As one of them stressed: ‘The government pursues a “dismantling” policy with the ultimate goal to accommodate as many people as possible in regular housing and take away our cultural heritage’. They consider it not only unfair but also in violation of their European rights.

Two respondents also commented on the fact that the Dutch do not recognise Roma, Sinti and Travellers as national minorities as mentioned in the Framework Convention for the Protection for National Minorities. They consider this very unfortunate.

The only attentions that is given by the national government are site visits by the Ministry of Housing. They carry out inspections on alleged ‘sanctuaries’. According to the respondents, the government feels it has to enforce laws, because those living at halting sites are allegedly involved in illegal activities. This law enforcement, accompanied by media coverage, generally gives bad publicity to the community. Even so, according to one respondent, ‘there is not much evidence that much illegal activities are going on’.

### 2.2.5.3. Housing situation

The shortage of halting sites is the main problem with respect to the housing situation of Roma, Sinti and Travellers in The Netherlands. This has been stressed by all of the respondents. Furthermore, it was explained that the shortage of sites is also a result of a policy and/or a lack of government involvement towards the housing situation of Roma, Sinti and Travellers.

The building of new sites is not in step with the natural growth of the population’s needs. In some places, halting sites have even been dismantled. However, there is no sufficient supply of new sites. The other element that does not get much attention is the wish to live together on sites as extended families. In practice, this leads to illegally parked caravans on site with the rest of the family. This results in overcrowding and fire hazards.



Some live in rental caravans, others in privately owned caravans. With regard to the rental caravans, one of the respondents was critical about the standard. Specifically, the rental caravans provided by the Ministry of Housing in the 1970s are of poor quality and do no longer suffice. The older generation is moving out of these, since renovation is no longer an option. The elderly are thought to move to nursing homes and the sites are dismantled. Given the limited number of sites and rental sites, people can not set any demands as far as size and amenities are concerned. According to Mr K, 'Municipalities build small sites with rental caravans which you are forced to take when offered due to lack of choice'.

With the lack of sites, this increases prices of available sites for those fortunate enough to be able to buy a property. However, buying a property brings its own problems. Obtaining a mortgage for a 'chalet' on a halting site can prove difficult. The Amsterdam Anti -Discrimination Agency has supported a Traveller family whose application for a mortgage was denied. They took the case to the Equal Treatment Commission. It became apparent that a distinction was made, however, the Commission did not 'condemn' the mortgage lender for it.

The interviewees mention that the elderly, youngsters, people with disabilities and the financially at risk are the most vulnerable groups. The elderly become more and more dependent on health care and will be more likely to have to move into nursing homes. Young people are vulnerable because, with the shortage of sites, there is no guarantee that they can continue to live their life with their family on the halting sites.

The respondents stress that living on a halting site is not only a housing issue, but also a social and/or cultural issue. 'The wish to live in a caravan is combined with the wish to live as an extended family'. This is what those living on a site address as well. 'By putting us into regular housing they take away our cultural heritage and destroy it,' said Mrs S.

#### 2.2.5.4. Institutions

Dutch institutions have only limited involvement with Roma, Sinti and Travellers. Since the Dutch no longer have a national policy or recognize them as a national minority, there is no agency or institution at the national level. We selected three other institutions to interview and interviewed two people living on a halting site.

FORUM is a centre of expertise that gets some national funding to monitor the situation of the Roma, Sinti and Travellers. They try to get these issues back on the political agenda in The Netherlands, or at least give them a voice or entry to the national government.

Anti-Discrimination Agencies get a limited numbers of complaints about discrimination while obtaining a mortgage for a 'chalet,' but support them if they file complaints.

ZET is a provincial support institution which supports the social infrastructure in Noord-Brabant in the areas of housing, welfare and care. Until eight years ago, providing support to Roma, Sinti and Travellers was an active task of ZET. However, with the abolishment of national policy, their involvement in this area

also decreased. Since the withdrawal of the state, the provinces have followed suit.

Several private agencies have been appointed by local municipalities for the maintenance and support on halting sites. One of the largest private agencies was interviewed by us. These private agencies make sure that they stress the importance of two pillars: 'enforcement policy and housing policy'. They deal with the shortage of sites, as well as the eventuality of illegal activities.

#### 2.2.5.5. Good Practices

According to the respondents, there are only a few examples of good practices. Good practices are also a matter of interpretation. 'Consultation' however, is a key word. There are examples of housing corporations and private agencies that manage sites that meet the demands and wishes of the target group. According to Mrs S, this should be done more often, otherwise 'this is in violation of recommendations given at the European level on developing policy in consultation with the target group. Plus, they have to make funds available to tackle the problem of shortage of halting sites'.

There are also sites that are very well maintained, due to good cooperation between local municipalities, private maintenance agencies and the Roma, Sinti and Travellers communities. One of these sites was visited by the Council of Europe in The Hague.

Another example is the cooperation between anti-discrimination organisations, mortgage lenders and the Liaison Committee for Mortgage Credit Institutions, which is the umbrella organisation in which mortgage credit institutions (banks, Insurance companies, pension funds) in developing a code of conduct to prevent discrimination. The code of conduct is aimed particularly at preventing discrimination on the grounds of race and nationality. Attention was focused on indirect discrimination against Travellers.

## Annex 1: Statistical data and tables

- Table 1: No. of Roma, Sinti and Travellers in The Netherlands, 2008

• Residents (estimates)	• November 2008
• Roma and Sinti (variable)	• 5,000-10,000
• Dutch Travellers	• 23,000
• Total population of The Netherlands	• 16,474,060

Source: Statistics Netherlands CBS

- Table 2. Demographics of Roma, Sinti and Travellers in The Netherlands, 2003

• Age	• Roma/Sinti/Travelle rs	• Percentage of Population
• <40	• 69%	• 54%
• >40	• 31%	• 46%

Source: Landelijk Overleg Steunfuncties Woonwagenwerk

• Table 3. Position of Caravan Sites

• periphery	• 49%
• centre	• 38%
• outskirts	• 12%

Source: S. Dekkers et al Feitenonderzoek vrijplaatsen op woonwagenlocaties Regioplan Amsterdam 2006 p. 10.

• Table 4. No. of caravans in The Netherlands

• Caravans	• Number	• Owned by residents	• Owned and let by municipality	• Owned by municipality, managed by corporation	• Owned and managed by corporation
• 2000	• 8947	• 5714 (64%)	• 1764 (20%)	• 532 (6%)	• 658 (7%)
• 2001	• -	• -	• -	• -	• 689
• 2002	• -	• -	• -	• -	• 703
• 2003	• -	• -	• -	• -	• 706
• 2004	• -	• -	• -	• 259	• 687
• 2005	• -	• -	• -	• 227	• 79069

Source: Landelijk Overleg Steunfuncties Woonwagenwerk

<sup>69</sup> <http://www.variya.nl/pdf/behandelingBEWplus110308.pdf> [24.02.2009].

• Table 5. No. of Halting Sites in The Netherlands

• Halting sites	• Number	• Owned by residents	• Owned and let by municipality	• Owned by municipality/corporation, managed by private agency	• Owned by municipality, managed by corporation	• Owned and managed by corporation
• 2000	• 9618	• 367 (4%)	• 5846 (61%)	• -	• 532 (6%)	• 1854 (19%)
• 2001	• -	• -	• -	• -	• -	• 1843
• 2002	• -	• -	• -	• -	• -	• 2017
• 2003	• -	• -	• -	• -	• -	• 2072
• 2004	• -	• -	• -	• -	• 972	• 213170

Source: Landelijk Overleg Steunfuncties Woonwagenwerk

<sup>70</sup> <http://www.variya.nl/pdf/behandelingBEWplus110308.pdf> [24.02.2009].

• Table 6. No. of Municipalities Hosting Caravan Sites

• No. of municipalities	• Absolute	• Percentage
• Hosting caravan locations	• 373	• 80%
• No caravan locations	• 95	• 20%
• Total	• 468	• 100%

Source: S. Dekkers et al. Feitenonderzoek vrijplaatsen op woonwagenlocaties Regioplan Amsterdam 2006 p. 9.

• Table 7. No. of Municipalities Holding One or More Caravan Sites, Percent

• 1 location	• 43%
• 2-5 locations	• 45%
• >6 locations	• 12%

Source: S. Dekkers et al Feitenonderzoek vrijplaatsen op woonwagenlocaties Regioplan Amsterdam 2006 p. 9.

- Table 8. Number of Registered Complaints, ADAs, All Areas, 2004-2007

	Racial discrimination <sup>71</sup>	Total no. of complaints
2004	2017	3819
2005	2116	4433
2006	2102	4334
2007	1835	4247

Source: Jaaroverzicht discriminatieklachten 2004-2007. Rotterdam: Art.1

- Table 9. Statistical Data National Equality Body

	2001	2002	2003	2004	2005	2006	2007	2008
Number of complaints regarding ethnic discrimination <sup>72</sup> received by ETC	91	91	61	58	98	125	113	98
No. of instances where ethnic discrimination was established by ETC <sup>73</sup>	53 %	35 %	25	25	13	22	n/a	n/a
Follow-up activities of ETC leading to adaptive measures <sup>74</sup>	n/a	20	16	22	n/a	n/a	n/a	18
Number of sanctions and/or compensation payment in ethnic discrimination cases <sup>75</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Range of sanctions and/or compensation in The Netherlands <sup>76</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

<sup>71</sup> The ADAs do not keep records of the number. of Roma, Sinti or Travellers who file complaints. The issues relating to these communities are registered under 'race'.

<sup>72</sup> Data given for race and nationality. Data include all areas.

<sup>73</sup> Disaggregated data with regards to discrimination based on 'race /nationality' not available for 2001, 2002, 2007 and 2008. Percentage of total number. of opinions given on all grounds for 2001 and 2002.

<sup>74</sup> After each opinion in which discrimination is established, the ETC applies a follow-up procedure. In 2008, 79 per cent of referring parties made adaptations either in an individual or structural manner (source: Commissie Gelijke Behandeling (2009), Jaarverslag 2008. Utrecht: Commissie Gelijke Behandeling, p. 40).

<sup>75</sup> The ETC does not have the power to apply sanctions. Cases of discrimination are hardly ever brought before a court of law, and in practice, no sanctions or compensation are applied. See: D. Houtzager (2009) Thematic e Legal Study on the Impact of the Race Equality Directive in The Netherlands. Vienna: FRA (not published).

<sup>76</sup> See previous footnote.

## Annex 2 – Court, specialised body or tribunal decisions

Case titles are usually not given to cases dealt with by the CGB. Cases usually receive titles if dealt with by judicial bodies.

Case title	The Netherlands/Equal Treatment Commission/2006-222
Decision date	06.11.2006
Reference details	Commissie Gelijke behandeling (Equal Treatment Commission) Full text (in Dutch) available on <a href="http://www.cgb.nl/opinion-full.php?id=453056498">http://www.cgb.nl/opinion-full.php?id=453056498</a>
Key facts of the case	Petitioners belong to the Traveller community. They have been on the municipal waiting list for housing. However, the waiting list does not provide for the specific housing needs of Travellers. Petitioners are of the view that this absence of a separate waiting list for caravan sites is discriminatory.
Main reasoning/argumentation	The Commission considered that the distribution of houses falls under the Housing Act. This is considered to be a form of social protection and thus falls under the scope of the Equal Treatment Act. There is a case of indirect discrimination. The Commission states that the intensity with which government policies such as these may be tested depends on the margin of appreciation mandated to the governmental department in question. In this case, the right not to be discriminated against, as described in the case law of the ECHR (in particular the case of <i>Timishev vs Russia</i> ) must be weighed against the freedom of the government to take public policy measures. The Commission considered that it should test the measure with a limited intensity. The CGB reached the conclusion that the measure is objectively justified and that the Equal Treatment Act was not violated. No violation of the law.
Key issues (concepts, interpretations) clarified by the case	Scope of the equal treatment legislation in relation to government policies; indirect discrimination, objective justification; definition of social protection.
Results (sanctions) and key consequences or implications of the case	The CGB cannot impose (financial) sanctions.
Case title	The Netherlands/Equal Treatment Commission/2007-157
Decision date	23.08.2007



Reference details	Commissie Gelijke behandeling (Equal Treatment Commission) Full text (in Dutch) available at <a href="http://www.cgb.nl/opinion-full.php?id=453056727">http://www.cgb.nl/opinion-full.php?id=453056727</a>
Key facts of the case	Petitioners belong to the Traveller community and are represented by the Anti-Discrimination Agency in Amsterdam. The couple applied for a mortgage for their mobile home or 'chalet', through the internet branch of a large insurance company. The loan was refused because the lender does not give loans to moveable property in general, and 'chalets' in particular. The petitioners stated that it concerned a case of indirect discrimination on the grounds of race, because the majority of the occupants of a 'chalet' belong to the Traveller, Roma or Sinti community.
Main reasoning/argumentation	The Commission considered that there is a case of indirect discrimination. However, because this involved a specific type of mortgage with special low lending rates that was offered on the internet, the lender could not be expected to investigate the individual circumstances of the request. The refusal was therefore proportional and necessary, and the measure is therefore objectively justified. No violation of the law.
Key issues (concepts, interpretations) clarified by the case	Scope of the equal treatment legislation; indirect discrimination, objective justification.
Results (sanctions) and key consequences or implications of the case	The CGB can not impose (financial) sanctions.

Case title	Caravan policy The Hague
Decision date	12.03.2008
Reference details	LJN: BE0050, Rechtbank 's-Gravenhage , 278323 / HA ZA 06-4092 (District court, The Hague)
Key facts of the case	Civil case. Occupant of a caravan at a Traveller centre in The Hague requests the municipality to allocate him a replacement site for his caravan. The previous centre will be closed and used for new urban construction. The municipality states that unlike others at the previous centre who did have a permit, the petitioner had never obtained a permit for his previous site and therefore it is not required to give him a replacement.. The petitioner states that his site has been tolerated for many years without the municipality taking action against him, and that he therefore has obtained the right to stay.

Main reasoning/argumentation	The court followed the municipality. It had been communicated to the petitioner that while the development of the new centres was going on, he would not be evicted. This does not create the right to be allocated a replacement site. The court recognized the legitimate interest of the petitioner in his specific way of living, but weighting it against the general interest, represented by the municipality, the interest to build more houses on the same plot tilts the scale towards the general interest.
Key issues (concepts, interpretations) clarified by the case	Toleration by local government of a situation does not create rights; the rights and interests of a member of the Traveller community are weighed against the general interest of urban housing an spatial planning.
Results (sanctions) and key consequences or implications of the case	No sanctions involved.

## Annex 3: Bibliography

Anne Frank Stichting (2004) Monitor racism and extreme right; Roma en Sinti Boog (eds) (2006) Housing and Inter-ethnic Problems in the Neighbourhood, in: Monitor Rassendiscriminatie 2005 Rotterdam: National Bureau Against Racial Discrimination LBR.

Cebeon (2002). Monitor maatschappelijke en economische positie woonwagenbewoners: tweede meting. Council of Europe (2008) Recommendations of the Committee of Ministers of the Council of Europe on Roma and Travellers. 2008.

CHF/NVB (2007). Gedragscode Hypothecaire Financieringen.  
<http://www.nvb.nl/scrivo/asset.php?id=103344>

CBS (1999) Wonen op wielen of op water webmagazine CBS 1999  
Commissie Gelijke Behandeling (2005) Het verschil gemaakt. Evaluatie AWGB en werkzaamheden CGB 1999-2004. Utrecht: CGB.

ECRI (2008) . Derde Rapport over Nederland

FORUM (2002) Een andere kijk: Nieuwe uitgangspunten voor een interactief woonwagenbeleid.

FORUM (2005) Preliminary Report on the Human Rights Situation of Sinti, Roma and Travellers in Europe; Advice from The Netherlands to the Commissioner of Human Rights, the Council of Europe.

FORUM (2007) Sinti, Roma and Travellers in The Netherlands; Policy Matters! – update, spring 2007.

FORUM (2007) Dutch Sinti, Roma and Travellers: Projects, Policies and European Influences.

FORUM (2007) Shadow Report on the Ratification by The Netherlands of the Framework Convention on the Protection of National Minorities.

FORUM (2008) Fact Sheet Roma and Sinti in The Netherlands.

FORUM (2008) Onderwijs en scholing voor Roma en Sinti in Nederland. Conferentie en locatiebezoek 5-7 november 2008 Den Haag. Utrecht: Forum 2008.

M Hertogh (eds.) (2006): Gelijke behandeling, principes en praktijken. Evaluatieonderzoek Algemene Wet Gelijke Behandeling. Nijmegen: Wolf Legal Publishers

Netherlands/VROM-inspectie (2009) Eigentijds omgaan met woonwagengewoners. Opmaat naar normalisatie.

Netherlands/VROM-Inspectie (2009) Vrijplaatsen op woonwagelocaties.

Prisma Brabant (2004) Monitor woonwagelocatie in de SRE-gemeenten

Prisma Brabant (2004) Evaluatie woonwagelocatie Eindhoven

Regioplan (2006) Feitenonderzoek vrijplaatsen op woonwagelocaties (unpublished)

St Zet /St Rechtsherstel Sinti en Roma (2007) Sinti en Roma in Nederland: Een inventarisatie

Stichting De Kleine Woonwagelocatie (2005) Bevrijd van een stigma: de maatschappelijke effecten van de opheffing van een regionaal woonwagelocatie in Deventer voor zijn bewoners en de samenleving.

S. Khonraad (2000) Woonwagengewoners; burgers in de risicomaatschappij. Jan van Arkel: Utrecht.

P. Rodrigues. Few and Neglected; Roma and Sinti in The Netherlands. Roma Rights Quarterly, number 1, 2006.

Reuver. Woonwagengewoners zijn gewoon mensen. Het wiel 7-2007.

Reuver. De stand van zaken. Tien jaar na de afschaffing van de woonwagelocatie. Het wiel 1-2009

STAB (2002). Een gezicht achter de cijfers: verhalen van woonwagengewoners naar aanleiding van de monitor maatschappelijke en economische positie van woonwagengewoners.

Special editions

SinRom Actueel. Presentatie Sporen nalaten aan kerngroepen. Jaargang 2-nummer 2. [www.sinrom.nl](http://www.sinrom.nl)

SCOOP 3. Woonwagengewoners, Sinti en Roma.

Questions in Parliament:

Answers to questions put forward by MP Jansen (SP) on caravan centres and the implications of withdrawing the Caravan Act. 4 June 2008

<http://paulusjansen.sp.nl/weblog/files/2008/06/vh-20080625-sv-woonwagelocatie-antwoorden.pdf> [10.3.2009].

Reactions of lobby organisations:

Landelijk Overleg Steunfuncties Woonwagelocatie. Subject: Cebeon Report.

Date: 29.04.2003.

Weblink <http://www.variya.nl/pdf/cebeonreactiebram180603.pdf> [10-03-2009]  
Landelijk Overleg Steunfuncties Woonwagenwerk. Subject: Annotations to memorandum following media reports on W.E.B plus Act. 11-03-2008 weblink <http://www.variya.nl/pdf/cebeonreactiebram180603.pdf> [10.03.2009]